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THE

SAFETY AND EXPEDIENCY

OF CONCEDING

THE CATHOLIC CLAIMS;

EVINCED BY THE GOOD EFFECTS OF

THE CONCESSIONS IN CANADA,

AND

THE DIFFERENT STATES OF EUROPE;

WITH THE OPINIONS OF

PITT, BURKE, FOX, AND WYNDHAM,

THEREON.

By CIVIS.

LONDON:

JAMES RIDGWAY, PICCADILLY.

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THE

SAFETY AND EXPEDIENCY

OF CONCEDING THE

CATHOLIC CLAIMS, &c.

THE following observations, on the subject of the Catholic Claims, are principally confined to that article which seems to have excited the greatest alarm, *viz.*, the claim to a Seat in Parliament. The opposers of this claim fancy they see, in its eventual concession, nothing less than the overthrow of our Constitution, both in Church and State.

If there be any question, in which we should distrust public feeling, it is one which involves popular prejudices on the score of religion. Apprehensions, similar to those now entertained, have at all times prevailed, where questions of this nature have become the subject of legislative consideration. Thus, when the Bill by which the Jews were

naturalized was brought forward, the most violent clamour was raised against it; and a Petition was received from the City of London, praying that it might not pass into a law, as it would be prejudicial to the interests of trade, and would, moreover, endanger our happy constitution, both in Church and State. But long experience has proved, that the admission of Jews, not only into the City, but even into Downing Street, has not been attended with those direful consequences, so alarmingly anticipated.

So also, when the Union with Scotland took place, about 120 years ago, a great alarm was occasioned by the introduction of sixteen Scotch Peers into the House of Lords, and forty-five Members into the House of Commons, and the Bishop of Bath and Wells said, that they were going to expose themselves to a danger "which the tongue could scarcely speak."

But a more modern and more striking instance of groundless alarm, is noticed by Mr. Burke, in the following passage, from his celebrated Letter to Sir H. Langrish, Bart. It respects the danger to our late American Colonies, from the Catholic reli-

gion being established by the Parliament as the State religion of Canada. "It is true, that some persons, and among them one eminent Divine, predicted, at that time, that, by this step, we should lose our Dominions in America." He foretold, that the Pope would send his emissaries thither; that the Canadians would fall in with France, declare their independence, and draw, or force our other Colonies into the same design. The independence happened according to his prediction, but in directly the reverse order. All our *Protestant* Colonies revolted; they joined themselves to France; and it so happened that *Popish Canada* (whose inhabitants were naturally attached to France, their parent country) was the only place which preserved its fidelity—the only place where Catholic France got no footing—the only peopled Colony on the Continent, which now remains to Great Britain—and last year, when we settled a Protestant Church there, conjointly with the Catholic, we had no dread for that establishment, because we permitted the French Catholics, in the utmost latitude of the description, to be free subjects. They are good subjects, I have no doubt;

but I will not allow that any French Canadian Catholics are better men, or better citizens, than the Irish of the same communion.

In like manner, when the several concessions were granted to the Irish Catholics, in the years 1782 and 1791, the same unfounded alarm prevailed; in reference to which, Mr. Pitt, in his Speech, in May 1805, thus expresses himself: "I felt satisfaction in the repeal of those Laws against the Catholics, which have been abolished; and, from the abolition of which, I certainly am not one who infers that danger to the country with which some gentlemen seem to be so deeply impressed; nor do I think *that the introduction of a certain proportion of Catholics into the Imperial Parliament, would be likely to be productive of any influence or effect detrimental or injurious to the welfare of the State, and security of the Constitution.*" Accordingly, if we consult history, we shall find that, at the Reformation, Edward the Sixth did not exclude Catholics from his Council board; nor, when he was excommunicated by the Pope, for the share he took in bringing about the Reformation, did he therefore exclude Catholics

from offices of power and dignity; and when a rebellion, in consequence of such excommunication, broke out in the North, Lord de Clifford, a Catholic, was sent to quell it. Queen Elizabeth, too, when the Spanish Armada was hovering round the coast, entrusted the defence of Dover Castle (at that time the most important fortress in the country) to a Catholic Nobleman; and (what showed still more confidence in the fidelity of her Catholic subjects) she appointed Lord Howard of Effingham (a Catholic Lord) to the command of the Fleet, and subsequently made him Lord High Admiral of England—an office of such power and importance, that succeeding monarchs have thought it too dangerous to entrust to any individual, and have therefore placed it in the hands of a commission.

Thus we see that, from the time of the Reformation till the Declaration against Transubstantiation, enacted in the reign of Charles the Second (a period of upwards of 160 years), the Catholics actually enjoyed the rights they now claim. Now, if, at the time, when they must have felt peculiarly sore and irritated at the recent overthrow of

their religion, and when, consequently, they must have been stimulated by the most powerful principles of human action, to regain their lost ascendancy, and when, moreover, the Catholic population bore an infinitely greater proportion to that of the Protestant than it does at the present day, they could be allowed, notwithstanding all these adverse circumstances, to retain their seats in Parliament for so long a period, without such dreadful consequences ensuing to the Church and State as are now so alarmingly predicted; and if, in the reign of Charles the Second, when the King himself was secretly a Catholic, when the Queen, and the Heir Presumptive to the Crown, were avowedly Catholics, and when the Catholics sat in Parliament, they could not, with all those circumstances in their favour, prevent the Act from passing, which was to exclude them, for the future, from sitting in Parliament, what rational grounds, in the face of those historical and stubborn facts, can there be for their exclusion at the present moment, when none of the foregoing circumstances, so favourable to the objects they are supposed to have in view, are in existence, and when,

consequently, their ardour of pursuit and prospect of success must necessarily be proportionably abated? It will not, I presume, be conceded, that the friends of the established Church are less zealous than their predecessors, or less vigilant for its welfare.

When the Catholic claims were under discussion, in the year 1805, Mr. Wyndham said, "I relinquished the administration, because I thought the measure of Emancipation *indispensable to the safety of the Empire*; and I have seen nothing since to change my opinion." And again, when the same topic was renewed, in the year 1808, he said, "With respect to the comparison so well made by my Right Honourable Friend (Mr. Grattan), between the two kinds of danger, of which it is necessary to choose one, I should most unquestionably prefer the danger (uncertain, if not chimerical) of giving to the Catholics a power which might, ultimately, invest them with a considerable influence in the State, to the *terrible danger*, which the refusal of their just claims must, in my apprehension, *inevitably occasion*." And he closes his speech with these emphatic words, "I am anxious

that the subject should be fully discussed, *convinced, as I am, that the friends of the Catholic Emancipation will, ultimately, triumph over every obstacle that can be thrown in their way.*"

Let us now consider what has been the effect of conciliation and concession on the conduct of Catholics in other countries, and in what manner they have conducted themselves where they have formed, not merely a small part, but a majority of the Legislature. In the year 1649, the Catholic State of Maryland, in North America, passed an Act, giving to Christians of all denominations equal rights; although the neighbouring State of Virginia, and the New England State, persecuted the Catholics with the utmost rigour: Virginia being peopled by Church of England men, who persecuted the Presbyterians, and other Protestant Dissenters; and New England by rigid Presbyterians, who carried on similar persecutions against Church of England men. This Act, however, was repealed, in 1654, by the Presbyterian party, which, aided by the Cromwellian power in England, gained the ascendancy in the Legislature, and thereupon

passed an Act, granting toleration to all Protestant Dissenters, but expressly excepting Catholics and Prelatists. This Act continued in force, till the Catholics again obtained a majority in the Legislature; which, however, they were not able to effect (though they were by far the most numerous body in the State) till the year 1676, when they immediately re-enacted the law of 1649, which continued in force till 1692, when King William sent over a force sufficient to overpower the Catholics; whereupon an Act passed, excluding them from all offices of power or trust. Thus it appears that, in Maryland, when the Presbyterians were in power, they persecuted the Papists and the Prelatists; when the Prelatists were in power, they persecuted the Presbyterians and the Papists; but when the Papists were in power, they persecuted neither the Prelatists nor the Presbyterians, nor any other sect, but gave perfect freedom of conscience to Christians of all denominations. Such was the relative toleration of these respective sects.

Edmund Burke, in adverting to the claims of the Irish Catholics, cites the good effect

of conciliation among the Welsh. He observes, "that Wales was reduced by Edward the First; but, though then conquered, it was scarcely looked upon as part of the realm of England. The old Constitution was destroyed, but in its place was substituted an heterogeneous monster, something between Government and hostility. The manners of the nation followed the genius of the Government. The people were ferocious, restive, savage, and uncultivated. Wales, within itself, was in perpetual disorder, and it kept the frontiers of England in perpetual alarm. It was known only to England by incursion and invasion. The Parliament attempted to subdue the fierce spirit of the public, by all sorts of rigorous laws. They disarmed them by statute, and prohibited the sending of all sorts of arms into the principality. All this while, Wales rode this country like an incubus, and an Englishman travelling in Wales, could not go out of the high road without danger of being murdered. The march of the human mind is slow. It was not till after 200 years discovered, that by an eternal law, Providence has decreed vexation to violence, and

poverty to rapine. At length, in the twenty-seventh of Henry the Eighth, a statute was passed, giving the Welsh the benefits of the British Constitution. From that moment, as by a charm, tumult subsided, obedience was restored, and peace, order, and civilization followed in the train of liberty."

Similar was the evil, and similar was the remedy of conciliation, in the case of Scotland. For a century the English Government had endeavoured to subdue the stubborn attachment of the Scotch to Presbyterianism, and, with the point of the bayonet, to enforce (as they have attempted in Ireland) the tenets of the English Church, by enacting pains and penalties, and enforcing confiscations. They erected gibbets, and made the scaffold flow with human blood; but could not convert the Scotch Presbyterians. They were just as unsuccessful with them, as they have been since with the Irish Catholics; and, like the Irish, the Scotch only clung the more to their religion, because it was persecuted by the English. They did not, indeed, put up with the system of persecution as patiently as the Irish have done; they often broke out into open and avowed

rebellion. It is true, they were often defeated, but they were never subdued. Scotland was, then, what Ireland is now, the weakness of England. At length, however, the proper and only remedy was applied, persecution ceased—the Scotch attained not mere freedom for their creed, but its establishment as the creed of the nation. Behold! as the effect of this concession, a tranquil, a peaceable, and an industrious people—the best strength of the British Throne, and a main pillar of British power and independence.

But to come to more modern times. In 1792, the Catholic Diet of Hungary gave the most perfect religious freedom to their Protestant fellow countrymen; and though the latter did not constitute one-fourth of the population of that country, yet they obtained one-half of the Churches and one-half of the tythes. In Catholic France, too, at this day, Protestants enjoy, not a nominal, but a real equalization of civil rights; their persons protected, their Churches respected, their clergy paid; and paid, too, more liberally than the Catholic clergy, by this Catholic State. And, in Spain, let it be remembered, that the Cortes, which met at Cadiz, though

composed of more than three-fourths of Priests; decreed the abolition of the Inquisition; and, in abhorrence of its existence, ordered salt and ashes to be strewed over the spots where its prisons stood. In Bavaria, too, the king has not only recently emancipated his Protestant subjects, but has raised them from a state of exclusion to a complete participation in all the rights and privileges of his other subjects. And, finally, our own Sovereign, as King of Hanover, has applied the same enlightened and liberal principles to his Catholic subjects, who now enjoy the same civil rights as their Protestant fellow subjects.

Were there, indeed, any rational ground for withholding from the Catholics a concession of their claims, is it conceivable that the principal Protestant landholders and merchants in Ireland would have petitioned both Houses of Parliament in their favour, and that almost all the Protestant noblemen of that country should have joined in a declaration to the same effect? or that these claims would have been advocated by the ablest statesmen of all parties, *viz.*—by Pitt, Fox, Burke, Sheridan, Wyndham, Melville,

Romilly, Grattan, Grey, Grenville, Lansdowne, Londonderry, and Canning, the last of whom is confessedly the ablest and most consummate statesman of the present day? The very supposition is preposterous; and were it true, as is asserted by their opponents, that the Catholics are the same intolerant and persecuting sect as they represent them to have been ages ago—ever ready to propagate their faith by fire and faggot; can it be for a moment supposed, that the other nations of Europe would have admitted Protestants and Catholics to an equal participation of official trusts, as all the principal States of Europe have done, with the exception of the bigoted Governments of Spain and Portugal? This very important fact is noticed by Mr. Fox, in his celebrated Speech on the Catholic Claims, in the year 1805, in the following terms:—"Is there, in Europe, a State or country that does not employ persons of different religious persuasions in the highest offices? When bigotry was at its height in France, and when it led Henry the Fourth to renounce the Protestant, and embrace the Catholic Religion, did it ever occur to any one to

suggest that the Duke of Sully, his minister (who was a Protestant), could not advise with him about public affairs?—was he ever accused of being a bad minister because he was a Protestant? No one ever objected to M. Necker, the minister of Louis the Sixteenth, because he was a Protestant? Does not the Catholic Emperor of Germany employ Protestants in the various important offices of his dominions? The government of his capital is intrusted to Prince Ferdinand of Wirtemburg, a Protestant. The first employment in the service of Russia is filled by Prince Sartorizki, whose religion is that of the Lutheran Church. With regard to Switzerland, the employment of Protestants has been, perhaps, less than in other States; but they have frequently filled offices of Government conjointly with Catholics." To the above Prime Ministers of France, who have been Protestants, may be added the late Duke of Richelieu; yet the people of that country, neither then, nor on former occasions, appeared alarmed for the safety of their Church or State. Could the same be said

of us, were (not the Prime Minister merely) but one of the inferior members of the Cabinet a Catholic? On the contrary, were such an event to take place, what a general panic and consternation would be excited! Yet, we profess to be the most liberal and enlightened nation under the sun, though our conduct, in the case supposed, would prove us to be directly the reverse:—so much do nations, as well as individuals, deceive themselves with respect to their real characters. Let us endeavour, however, to open our eyes, and in some degree to imitate, if we cannot aspire to equal, the liberality of our neighbours; let us dispel from our minds, on the present occasion, those alarms and apprehensions which ignorance and bigotry have generated, and professional prejudices have fostered, but which the enlightened nations of Europe have discarded, as ill suited to the present intellectual state of the world. To this end, the following remarks, extracted from the Petition of the English Catholics in the year 1817, are particularly forcible:—"When, in almost every state of civilized Europe, the difference of religious opinion is not considered

a ground for civil disabilities; when, in most of those realms where the religion is Catholic, dissenters from the established Church are admitted to the full enjoyment of their civil and social rights; and, when no instance of any inconvenience has occurred from such equal participation; but when, on the contrary, it has been uniformly found that prosperity and concord have been its immediate, as well as its natural consequences, we cannot think that this country, holding itself up as a shining example to the world, of courage, constancy, and liberality, will long continue to refuse that, which the nations who look up to her wisdom as well as to her generosity, *have not feared to grant.*"

Should, however, the conciliatory course here contemplated, unfortunately not be adopted by the Legislature, I cannot but concur in the opinion expressed by Mr. Wyndham, that the most alarming consequences are to be apprehended; since it no longer admits of a doubt, that the Catholics, amounting to about six millions, and feeling (as recent events have taught them to do) their own strength and importance, will

take the first opportunity of gaining, by force, what is refused to their solicitations; and such an opportunity, the first war we may be engaged in, will inevitably present. Is it not, then, the part of wisdom (by anticipating such a crisis) to make a virtue of a necessity, and to *concede that graciously, which we must otherwise yield to compulsion.*

FINIS.

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HISTORICAL REFERENCES,

IN SUPPORT OF THE

REMARKS ON THE ERRONEOUS OPINIONS

ENTERTAINED RESPECTING THE

CATHOLIC RELIGION:

AND TO PROVE THAT ITS

PRINCIPLES ARE NOT ADVERSE TO CIVIL LIBERTY,

AND THAT

RELIGIOUS LIBERTY IS A CIVIL RIGHT.

Phl.2

BY HENRY HOWARD, ESQ.

Carlisle:
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1827.

M. Jollie, Printer, Carlisle.

TO FRIEND AND FOE.

IT had been my intention to republish the remarks on the mistaken notions respecting our religion, which I had in the close of the year 1824, *and beginning of* 1825, *addressed to the Editor of the Carlisle Journal, in answer to the numerous paragraphs of abuse and misrepresentation with which the public papers were filled;—but I shall now confine myself to some historical proofs on the political part of the subject; because since that period such weighty proofs have been given of the truth of the statements I then made respecting our doctrines, that it would be the most extreme presumption in me to do any thing further than to indicate and recommend to all whose minds are open to fairness, and who are desirous not to harbour false notions respecting their neighbours, that they should read the evidence of the Catholic Prelates and Clergy given in the Houses of Lords and Commons, and give still more particular attention to the Declarations of the Catholic Prelates of England and Ireland,*

and the address of the Catholics of this County, which is founded on them. I beg leave to premise, that firmly convinced of the truth of my own religion, I also believe that numbers of our opponents as well as of our friends are as sincere in the belief of theirs; and that they deem me in an error, in the same manner as I think them so. It is also my opinion that the disposition to favour civil and religious liberty is not exclusively adherent to any particular religious tenets; circumstances and events, the virtues and love of our country, or the forbearance of some individuals on one side, or crimes, ambition, or even the popularity or glorious achievements of others, have determined the fate of nations in this respect. Liberty has moved in a varying course; some who were the freest formerly are the least so now. As Catholics, we have been the longest on the stage, and therefore may show more actors, either good or bad; but what I write, and hope to prove, is that whatever may have been the actions of Catholic men, the disposition to slavish principles, or to persecution, is no part of the Catholic Religion. And if I attempt to show on the other side of the question, that there are proportionably, at least as many instances, on the part of Protestants, of their want of adherence to those principles which we ad-*

* I also recommend the admirable Essay on the Catholic claims, addressed to the Earl of Liverpool, by Dr. James Doyle, the Catholic Bishop of Kildare; and the writings of Archdeacon Glover, of the Rev. Sydney Smith, and of other Protestant supporters of our cause. Those who wish to be well informed on what relates to the conduct of the Catholics of the British empire, will be much gratified by reading their luminous history by Mr. Charles Butler. Bossuet's Exposition of Catholic Doctrine, Berrington's Faith of Catholics, and Milner's End of Controversy, will furnish all necessary information on doctrinal points. These Books may be had at Keating's, Booker's, Cudden's, and Andrews', in London; and at most of the Catholic Booksellers in York, Birmingham, Preston, Manchester, Liverpool, Glasgow, Edinburgh, &c., &c.

mire, I declare that I do not do it invidiously, but only to take that argument for oppression out of their mouths, and to use my humble endeavour to show to both, the expediency and happy results of strict and entire adherence to the practice of religious liberty, as well as the blessings which follow civil freedom.

HENRY HOWARD.

Corby Castle, December, 1826.

PART I.

The Principles of the Catholic Religion are not adverse to Civil Liberty.

"THE Catholic Religion,"(1) to use the words of the revered Prelates of Ireland, "established for promoting the happiness of mankind, to which order is essential, so far from interfering with the constituted authorities of any State, is reconcileable with every regular form which human governments may assume: Republics as well as Monarchies have thriven where it has been professed; and under its protecting influence, any combination of those forms may be secure." It neither ought to interfere or be interfered with by the state, and whatever exists or has been done to the contrary, arises from the policy or contrivance of men, as its dominion is purely and exclusively spiritual.* So far is it from truth, that

(1) See declaration, Jan. 25, 1826.

* It is no doubt the duty of every good Government to preserve and enforce morality in the conduct of its subjects, and to punish the breach of it; but religion is too much the business of the soul, and of the interior man in his intercourse with his Creator, to authorize the interference of human policy. Most thinking christians will be of opinion that faith, doctrine, and the service of God, should not be made a state engine for the advancement of one set of men and the depression of another. In this view I have at all times considered the Test Laws, not only as an illiberal and intolerant abuse of power, but as a very indefensible application of a great religious mystery to prophane purposes and objects.——It has often been a question mooted by those religiously inclined, whether from the time of Constantine, or rather from that of Theodosius, the Christian Religion has lost or gained by its having been then made the religion of the state: and whether it is or is not advisable that a specific form of religion should be supported, and the means furnished to the subject, of attendance at divine service? I believe that a great majority would vote for the affirmative. In America this contribution is required, but is left to the choice of individuals as to their adherence to any particular form of worship, and we do not hear that this has caused any contentions:

PART I. the Catholic Religion is adverse to civil liberty, that I will show, by numerous and illustrious examples, chiefly taken from Protestant historians, that there is no country

in France the Government takes charge of it, at least for Protestants and Catholics.—But when the legislature has actually disposed of the matter, and appropriated certain public property to it, no individual has a right to act counter to such an appropriation: if he is left in possession of his independence in religious concerns; and not molested on their account, he has no right to complain, still less has he any right to disturb others in the possession of property which the law gives them, or to refuse to pay what is legally due from his own.—Property is the creature of the law, and any attempt to resume it, on the ground of confiscations, is absurd and indefensible. Where would such a retrospect stop? the Romans seized on the property of the Britons; are we to pass our lives in the search for the right heirs of those Britons, or in endeavouring, *in ultra equity*, to restore the groves to the Druids? It is probable that not an acre in the Empire remains in the hands of the original owner. Saxons took possession of British estates; the Danes made free with them;—the Normans scarce left a man in possession;—the partisans of one King confiscated the property of the adherents of the other;—the civil wars of York and Lancaster afforded other ample confiscations;—there were confiscations by Catholics, from Catholics; by Catholics, from Protestants; and by Protestants from Catholics.—Attainders, often most unjust, became ratified by legal possession. If opposite ideas were admitted, the whole country would become the theatre of rapine and bloodshed, and of the most irremediable confusion.—Whatever property, therefore, time and law have sanctioned, individuals would become rebels in the attempt to undo.—Catholics may indeed, in common with Protestants, and without blame, wish that some matters such as tithes were better regulated; and certainly the present system appears to embrace objects for tithing which were not formerly thought of, with greater refinement and severity in their collection than in Catholic times, and without being subjected to the same church regulations, for charitable purposes; but this has nothing to do with either religion, and it is even much more the business of the Protestant than of the Catholic, because he has the larger share. I do not believe that among the Catholics, either clergy or laity, the idea or most distant thought of any resumption of church property has for a moment been entertained, and I am happy to see that both the Irish Prelates and the Catholic Bishops of England have expressly disclaimed it. I have no doubt but that all of us would be ready to secure this still more particularly, and to prove on oath that we acquiesce in this disposition of the public property.—We have indeed already pledged ourselves to it by oath more strongly than any other class of subjects.—But I cannot refrain from expressing that I do think it a hardship that the church of England should not be content with enjoying what the state has given them, without enmity to us; nor do I see with what justice they establish themselves, generally, as a phalanx against our obtaining the restoration to the right in those things which cannot injure them. We are united to some by ties of relationship or connection, to many in private friendship, to more

that either does now or has enjoyed any freedom, that has not derived it from a foundation laid in Catholic times. As for our own constitution, if we extract from it what is of Catholic origin, we shall see how little remains to the Protestants' share, beyond some statutes to enforce the execution of pre-existing laws.* As Catholics, we claim, in England, a right to our liberties as the founders: we owe to our patriotic and most popular Kings, when in the plenitude of their power, the establishment of our municipal laws and free institutions.—Alfred [2] organized our common law, the trial by jury,

(2) Alfred died in 901. See Hume and all historians.

by respect and esteem, to all by one common interest in the permanent and peaceable enjoyment of property according to the laws; we would take up arms to defend the state in maintaining what it has settled; and why should the clergy force us, by setting themselves up as a barrier to our happiness, to wish them to be deprived of the power to injure us. We do not wish it now, and I hope would never attempt it; but it is natural to wish obstacles to be set aside. We are accused of being too much under the influence of our clergy, but as the Protestants in the great Catholic States have been restored to all their civil rights, we must infer that they have been liberal on those occasions; nor have we heard that they offered any opposition to the governments who have made those concessions: it would, undoubtedly, be very desirable to the Catholic here to experience the same liberality or forbearance.

* The Habeas Corpus Act and the Petition of Right and Declaration of Rights, as the debates of the times will show, are nothing more than declaratory laws, supporting by statute that which was before the known law of the realm.—The act to prevent the Judges being removable at pleasure, of the 13th of Wm. III. was certainly a very great good then obtained which had been left short at the Revolution.—Counsel allowed in cases of high treason, and greater decision as to the rights of juries, appear to me to be the principal improvements of more modern times.—I admit that our most valuable institutions have been more permanently secured by the Revolution, and under the Protestant Government of this country, but it is also true that the great downfal of those free institutions, and the most effectual steps taken towards arbitrary sway, were also made since the Protestant religion became that of the country.—When it is affectedly asserted, that danger might arise to our constitutional rights by the admission of Catholics to the free enjoyment of them; I would ask any one, what steps a Catholic could take against our liberties, that he would not know and feel were in direct opposition to all the institutions of his Catholic ancestors? See Blackstone's beautiful eulogium on our ancient constitution and municipal laws, vol. I. c. 1. and vol. III. pages 120 and 123; and Grey's debates on the Petition of Right, and Habeas Corpus Act; also Coke's Institutes.—Fortescue de laudibus Legum Angliæ, &c. &c.

PART I.

and the subdivision, internal polity, and jurisprudence of our counties, the government of those is nearly republican and forms the great security and bulwark of our liberties: to him and to our Saxon ancestors we are indebted for that admirable system of election,* of requisition and of obligation, to perform gratuitously and under responsibility, such offices as are required in a civilized state of society. By their judicious foresight and generous nurture, the seed of genuine liberty and of free law was so deeply set in this soil, that, notwithstanding the barbarous state of the world, the conquests of the country by the Danes and by the Normans, and our civil wars and disputed successions, the plant could never be entirely smothered or rooted out, but ever burst forth, in calmer times; and though sometimes cut down and often stunted, withstood all storms and grew into that glorious civic Oak, which now protects and shadows the Protestants of this country.

Three centuries later than Alfred, our Barons, with all ranks of the people, headed by Archbishop Langton and the Clergy, compelled King John,[3] though supported by the Pope of that day, to confirm those ancient laws and rights and sign the great Charter.† They stood to it afterwards notwithstanding the devastation of the whole country, the blood that was shed and the tortures that were inflicted by the foreign mercenaries introduced by the King, till they were reduced to the desperate remedy of calling in the French; but this by

(3) John, A. 1215.

* It will be recollected that even the Sheriffs and the Justices of the Peace were elected by the freeholders, as the Coroner now is, till the close of the reign of Edward II., and when we reflect that the Lords Lieutenant of Counties formed no part of the constitution and were only introduced by Edward VI., we may judge how much more democratic our internal government then was.

† By the most tenacious perseverance, this famous record of our liberties, aided by every sacred rite that could be devised to give it force, permanence, and respect, was confirmed in thirty-two different Parliaments, from anno 1215 to 1300.—See Coke, Hume, Blackstone &c.

the death of the tyrant, and the concessions of his successor, was fortunately never carried into full effect.—Had these Catholics no feeling for civil liberty? did they not know how to distinguish between the tenets and duties of their religion, and the arrogant pretensions of Innocent III.?* Do not our hearts beat high and join with those men in their shouts of exultation on the plains of Runnimede? Yet were they to return to life, that exultation would now give way to the forlorn feelings of the proscribed.†

The attachment of the country to its free laws, and the estimation in which they were held, as well as the resolute determination to maintain them, were again most strongly evinced in the Parliament held at Merton, (4) when the proposal was made to the Barons that they should adopt part of the civil law, they with one voice exclaimed, "*Nolumus leges Angliæ mutari!*"—*We will not suffer any alteration in the laws of England.*

(4) Henry III. A. 1235. Parl. History.

EDWARD I,‡ though an oppressor of Scotland and Wales, was a truly patriotic King to England. He freely and repeatedly confirmed the Great Charter,(5) and acknowledged, by statute, that its provisions are the

(5) A. 1276—1297—8—9—1300. Parl. History.

* It is singular that though all the writers of the time belonged to the clergy, not one word of approbation is given either to King John or the Pope by any of them, notwithstanding his alliance with the holy see.

† In the reign of Edward III., (1366,) Urban V. demanded the arrears of the sum granted by King John to the Pope as an acknowledgment that he held the crown in fealty of the holy see. The King referred the subject to Parliament, and the Prelates having, by permission, consulted in private, returned for answer—"That neither King John, nor any other person, could subject the kingdom to another power, without the consent of the nation." This was readily adopted by the King, the temporal Lords, and the Commons, and the question was settled for ever.—See Parliamentary Rolls, 11, 289, 295; and Parliamentary History.

‡ Edward I. is by Blackstone called the English Justinian;—quoting Sir Matthew Hale, he says, "that more was done in the first thirteen years of his reign to settle and establish the distributive justice of the kingdom, than in all the ages since that time put together." Yet if this King, or Alfred, Edward III., or Henry V., in whom we glory, were restored to us, they could not even be tide-waiters.

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ancient common law of the land; he arranged the representation of the people in Parliament, in a manner much more general and democratic than we now have it; and in the fulness of his power, he passed that most important statute *De tallagio non concedendo*,(6) by which all taxation was made illegal that was not granted by Parliament.*—In this King's reign, also, he approving

(6) A. 1297. Parl. History.

* If the merits of religious principles and tenets are to be appreciated by the character and conduct in worldly matters of those who profess them; then might a Catholic, in answer, claim as his own most of the heroes who are favourites in our story, and live in the minds of our people. Some of these were men of the most exemplary piety.—He might say to the Protestant, find me a match for greater firmness in adversity, more diligent thought and more research into the human mind for the means and purpose of establishing the permanent happiness of his country, than our Alfred. Show me Sovereigns, with such power as was possessed by Edward I. & III., using it, not to acquire greater authority, but to curb the influence of the Crown.—Produce me a warrior more generous minded to friend and foe than the Black Prince, or one more devoted to the liberties and independence of his country than Bruce; more ready to sacrifice every thing to it than Wallace.—Mark out to me a more firm, unbending, and uncompromising Judge than Sir William Gascoigne; a more constitutional Lawyer than Sir John Fortescue; a more conscientious Chancellor than Sir Thomas More; sounder English Lawyers than Bracton Fleta or Plowden:(7) Prelates more true to their country, and greater supporters of its liberty, than Langton with his clergy, and Grosthead; or more zealous promoters of education than Wickam, Chickeley, Wainfleet, or the Catholic founders of twenty-one out of twenty-five Colleges in Oxford, of thirteen out of sixteen in Cambridge, (besides ninety other Colleges, of which nine in London were suppressed by Henry VIII.,) with Eton, Winchester, and innumerable Free-Schools, of which many have, since the Reformation, been suffered to go into disuse and decay: from these indeed all Catholics, even the families of the founders, are now excluded by religious tests; and to complete the injustice, are we charged with being unfavourable to education: by penal laws we were prohibited from having schools or schoolmasters, yet are we taxed with the ignorance of which these penal laws were the founders. This is indeed of a piece with the accusation of a disregard to oaths, when we are excluded from the rights we claim, by the oaths which our enemies have imposed:—'tis the oppressed for principle, accused by the oppressor of the want of it;—the executioner upbraiding the wretch on the rack with lack of feeling. But to resume, it will be found that whoever uses such arguments against Catholics, spends his time in belying the reputation of his country, and in putting down that which, in our history, excites the pride of every Englishman, distinguishes us in the scale of nations, and is the theme of our exultation when we compare ourselves with the rest of the world.

(7) See Dugdale's, and see Speed's list of Founders, p. 1015, &c.

N. B. The Divinity School and Library, at Oxford; and the Schools of Philosophy, Divinity, Arts, and new Library, at Cambridge; were also founded by Catholics.—See Speed, page 1054 and 1073.

the resolute language that was used, the whole of the Barons, with the approbation of the Commons, signed the renowned remonstrance to the Pope, in which they declare that they will maintain their ancient laws and customs, and not suffer the King, even if he were willing, to do or attempt any thing against them.

EDWARD III., at the zenith of his glory, without any petition to him from his subjects, passed the statute (7) declaring what offences shall be judged treason, which has been the great barrier betwixt the Kings o England and their subjects; and also the statute, that Parliaments should be held annually.* He confirmed the Great Charter, and, in unison with the prelacy and laity, passed the statute of provisors against the indefensible encroachments of the See of Rome.

(7) Edw. III. A. 1351. Parl. History, and Coke's Institutes, fol. 27.

Whoever reads the Parliamentary History from the reign of King John to the time of our disastrous civil wars between the houses of York and Lancaster, on account of the succession to the crown, will see with what a different spirit and feeling for liberty the whole Parliament and country were actuated, when compared with their slavish obsequiousness from the reign of Henry VIII. to that of Charles I.;† and had not the long continuance of those wars sunk the spirit, shed the best blood of the

* On examination of the Rolls of Parliament, it will be found that, until the civil wars of York and Lancaster, Parliaments were held yearly, excepting when the Kings were absent in the wars with France.

† CHIEF JUSTICE FORTESCUE, afterwards Chancellor, in his address to Henry VI., his pupil, says: "The King of England cannot at his will alter the laws of his Kingdom—or impose taxes or other burthens upon them without their consent;" and he adds, for the protection of the law and of the persons and property of his subjects, he is raised to be a King, and he possesses this power as derived from the people." These are true Whig principles.—Under the Tudors, and to the time of Charles I., the passage of Tacitus, "*Amissa virtute pariter et libertate*," will apply to the whole country. Bracton also says, the King is made and chosen to do justice to all.—The same language was long before held in the return of the jury appointed by William the Conqueror, to report to him the laws and customs of England.—See Fortescue de laudibus Legum Angliæ, Bracton, lib. 3, ch. 9, and Wilkins.

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country, and brought about misrule, it is not probable that we should ever have had any serious struggle for the preservation or recovery of the liberties and free institutions which our ancestors had obtained. Neither the savage Tudors, nor the selfish Stuarts, could have touched them; and more enlightened times would have brought them to perfection.*

As to persecution for religious opinions, it was no part of the common law or of the original constitution of this country. Hume states, that to the time of Henry IV., "there was no law in England by which the secular arm was empowered to support orthodoxy. Ecclesiastical censures were the only resource, and it is probable that things would have so remained, had not the Lollards mixed politics and a spirit of insurrection with their religious tenets.[8] They were guilty of that which perhaps in these days would also be deemed a very heretical doctrine; they preached that the clergy ought to be dispossessed of their property, and they exhorted the laity to pay no tithes: this may account for the severity with which they were treated, and for the passing of the very indefensible act for the burning of heretics. The Bishop of London,[9] who had summoned Wycliffe, was insulted and very harshly treated by John of Gaunt, Duke of Lancaster, but the citizens of London arose and united in one general cry *that their Bishops should not be so used,* and they declared that they would stand by him to the last breath: but when the Bishop, availing himself of this spirit, attempted to imprison Wycliffe for heretical opinions, he received a peremptory order from the Duke not to proceed to imprisonment. The Duke

(8) See Hume, 1413—1414; and Rolls of Parliamt. do. and Rymer's.

(9) Temp. Edw. III. See Gilpin's life of Wycliffe from page 20 to 50.

* Michele, the Ambassador from Venice, in 1557, in his report to his Republic on the state of England, remarks, "that formerly the King might be considered solely as the political and civil head of the nation; but that now the power of the throne has so much reduced that of the Parliament, that little more remains of their authority, and of the liberty which the nation possessed, than the ancient forms belonging to it." Relatione de M. Gio. Michele, &c. Lansdowne Manuscripts.

told him, "that to imprison a man for holding an opinion could not be justified by the laws of England, and that if he proceeded to any such extremity, he must abide by the consequences; and when he and other Bishops, some time after, were for so proceeding, the same people both within doors and without grew very tumultuous, crying aloud, they would suffer no violence to be done to Wycliffe." See Gilpin's Lives of the Reformers;—Hume, &c. Wycliffe died in quiet possession of his living, at Lutterworth. I do not, however, find that there were many victims of this innovating statute during the reigns of Henry IV. and Henry V., and from that time the law appears to have remained dormant, till it was revived by Henry VIII., who made a most impartial use of it, by burning both Catholics and Protestants;—and several Anabaptists were burnt under Edward VI. None have more reason, than Catholics, to deplore the cruel use which Mary made of this statute, as the re-action upon them has continued, in various degrees, for nearly three centuries. Some persons also suffered under it in the reign of Queen Elizabeth, others under James I., nor was it finally repealed till the 29th of Charles II. But other laws still more sanguinary and oppressive owed their origin to these execrable times: the burning of heretics, when in disuse, was abundantly replaced by a more sweeping and minute code of penal laws for non-conformity to the various religions of the state,[10] accompanied by the most refined system of oaths and tests that ever were devised to scrutinize men's minds, dive into their thoughts, and probe their consciences, for the purpose of forcing them to become their own accusers, with a train of punishments adapted to every degree of recusancy, non-conformity, or new fangled delinquency, from death, banishment, imprisonment, confiscation, and fines, down to exclusions and privations; all of them wholly inconsistent with the true spirit and ancient principles of our constitution, and subversive

(10) During the reigns of Henry VIII., Eliz., James I., Chas. I. & II., William III., Anne, Geo. I., and Geo. II. See Par. His.; and Parnell's penal laws.

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both of civil liberty and the professed rights of conscience.

In the reign of Henry VII. some progress was made by the House of Commons, but the deterioration of the administration of justice continued its sanguinary course, and as the civil wars had already increased the power of the crown, so the struggle in religion, which divided the country, completed the subjugation of the people, and became the means of erecting a government nearly absolute. We almost ceased to be Englishmen; every thing that was great and good in our constitution was either frittered away and perverted, or entirely set aside. Fortunately for us, the pettifogging theoretical tyranny of James I., united to his timid and trifling character, brought, with quieter times, the recollection of our privileges and sounder institutions, and gradually restored to the goaded nation, its former spirit and feelings.

Having, as Catholics, been accused of entertaining principles unfavourable to freedom, it cannot be deemed unfair in us to probe this question a little deeper, and to inquire what was done in England, from the Reformation to the time of Charles I.,[11] that was in the smallest degree favourable to the cause of liberty, either civil or religious? On the contrary, great additions were made to the law of treason,[12] and its interpretation made so constructive as to embrace every thing the court wished to comprise within its bloody bounds.*

(11) A period of nearly 100 years.

(12) principally Henry VIII. & Elizabeth. See Hume, &c.

* 22nd Henry VIII., poisoning was made treason, the offenders to be boiled to death: see Foster's Crown Law, page 192. 26th Henry VIII., it was also made treason to speak evil against the King, Queen, or his heirs. At one time it was made treason to dispute, and afterwards treason to maintain the validity of the marriage of Anne Boleyn, or the legitimacy of Elizabeth her daughter, by words, writing, printing, or any exterior act, directly or indirectly. It was also made treason to say that Henry VIII. had been married to Anne of Cleves. Hollingshed informs us, that in the reign of Henry VIII. seventy-two thousand criminals were executed; Jack Ketch must then have been a very active citizen, indeed a very rich one, had he got nothing more than their shoes; he became an important member of the government, and, according to the account we have of the executions during this and the three following reigns, he often partook of the mild disposition of its principles.

The Star-Chamber, first established by Henry VII., acquired an extended and most arbitrary jurisdiction.(13)

(13) Hen VIII. Mary, Eliz., James I.

The Court of High Commission, which, as Hume says, "was a real Inquisition, attended with all the iniquities, as well as cruelties inseparable from that horrid tribunal" was erected by Elizabeth.(14)

(14) Eliz. 1584. Hume, p. 579.

The introduction and frequent use of the torture(15) to obtain evidence, and the courts using that alleged extorted testimony, without its being allowed to the accused to have those witnesses confronted face to face, for the purpose of cross-examination, to which they were entitled by the statute.*

(15) Eliz. See Howell's State Trials; Ellis's original letters, &c.

Trials of peers made by a selection and packed commission, instead of trials by the whole House.(16)

(16) Hen. VIII. Ed. VI., Eliz., See Howell.

Bills of attainder by Parliament(17) and sentences passed and executed, without either trial, examination of witnesses, or even knowledge imparted to the accused of the grounds of their accusation.

(17) Hen. VIII. 1526—1539—1546; Ed. VI., Eliz; Jas. I. State Trials, Barnett, &c.

* Sir John Fortescue, Chancellor and Chief Justice in the time of Henry VI., addressing the King, his former pupil, says, "The common law knew of no such engine of power as the rack or torture to furnish the Crown with evidence out of the prisoner's mouth against himself or other people." This, therefore, does not belong to Catholic times.—See Fortescue de laudibus Legum Angliæ, and Foster's Crown Law, p. 224.—Lord Coke also says that it was "directly against law;" (3rd Institute;) and the Judges, in the time of Charles I., unanimously declared it to be so.—Lord Burleigh, in his *Execution of Justice*, defends the practice, but says that "The wardens, whose office and art it is to handle the rack, were specially charged to use it in a charitable manner." Campian, however, when brought to trial, required assistance to enable him to raise up his dislocated right arm when he pleaded not guilty.—See his trial, and remark that the torture was applied not only before conviction, but often long before trial, and also without bringing the sufferer to any trial, whilst our laws deem all persons so situated innocent: thus using it as a means of extorting answers to be turned into accusations "against themselves or other people." In the reign of Queen Elizabeth, a person called Norton, had a regular appointment under Government, by the name of *Rack-master*. See manuscript Life of the Earl of Arundel.—Privy Councillors attended and directed its use, and were also regularly deputed to attend the execution of priests and other Catholics who were often quartered alive. Daniel Barbaro, in the report he makes to the Senate of Venice, on his return from his embassy to Edward VI., in 1551, states, also, that in England torture is illegal.—See Lansdowne Manuscripts.

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Crimes created by retrospective laws, and persons attainted for them; thus the Duchess of Norfolk was attainted "for having concealed the vicious life of Queen Catharine Howard before marriage, her guilt was then first created, and she was, in fact, punished for having eyes, ears, and a granddaughter."(18)

(18) 33 Hen. VIII.—Lord Auckland's Penal Laws, page 305.

Persons executed when the crime imputed was not capital—which was the case of Sir Thomas More and others.(19)

(19, 20) Hen. VIII. See State Trials; Burnet, Ellis's orig. letters. & 32 Hen. VIII.

Others starved to death in prison without trial;(20) viz. nine Carthusians.—See Burnet's and Ellis's letters, and State trials.

Juries fined, and even threatened with death, for not bringing verdicts according to the behest of the court and of most iniquitous judges, generally parties against the prisoners, and totally disregarding all rules of evidence, and suppressing it when favourable to the accused.(21) In many cases it seems that the alternative left to a juryman, was either to condemn, or take the place of the culprit; and whatever person of rank kept his head on his shoulders, owed it entirely to good luck, as at the time of his birth it was twenty to one that he would lose it; nor was it almost possible that a peer, a member of the House of Commons, or a judge, could escape becoming the accomplice to some legal murder.

(21) Hen VIII. Ed. VI, Mary, Eliz., Jas. I., Chas. I. & II. State trials. &c. of those reigns.

The force of law given by Parliament to the King's Proclamation.(22)

(22) 21st Henry VIII.

Confiscations for leaving the kingdom, as authorized by the Great Charter.(23)

(23) Eliz. See Strype, p. 102.

Witchcraft made punishable by death.(24)

(24) 23rd Hen. VIII. 1st James I.

The use of martial law extended to civil cases.(25)

(25, 26, 27) Eliz. See Hume.

Monopolies enforced.(26)

Imprisonments without any cause assigned.(27)

Gipsies, or those living with them one month, made punishable with death.(28)

(28) 23rd Hen. VIII. 1st Philip & Mary. 5th Eliz. See Blackstone, vol. I. p. 166.

Soldiers or sailors wandering about the country with-

out a pass for more than fifteen days, and vagrants made by statute 39 Eliz. punishable as felons.(29)

(29) Blackstone vol. I. p. 165.

Persecution turned into an impure source of revenue to the crown.(30)

(30) Eliz. and James I.

Laws making seditious words a capital offence.(31)

(31) 21st Hen. VIII.

The dishonest, oppressive, and sweeping confiscation of whole counties in Ireland,(32) without any regard to the known laws of property, or any pretence of crime, and the imprisonment with heavy fines on the sheriff, and jury of the County of Galway,(32) for not finding for the Crown.* The creation of a new and oppressive court of Wards there; and the conduct of England throughout during the Protestant ascendancy, both towards Ireland, and in its internal government. The partial summons to Parliament of one-half only of the counties in Ireland.(33)

(32) James I. and Charles I. See Leland.

(33) Charles I. Leland.

The arbitrary exaction of benevolences, and setting aside the act of Edward I. in respect of taxation, as well as that of Edward III. for annual Parliaments; and the freedom of Parliament frequently violated.†

The enactment of new, cruel, and vicious laws of persecution for religious opinions, some of them most revolting to morality and human nature.(35)

(35) See Parnell's Penal Laws, from Hen. VIII. to George II.

* This was much the same as if a Grand Jury for the county of York, summoned by the Sheriff, should now bring in their verdict, that all the property there, belongs to the Crown, notwithstanding the longest possession, because the owners *could not produce* their specific grants and patents from the King.

† Queen Elizabeth expressly prohibited Parliament from meddling with state matters or ecclesiastical causes; and she openly sent the members to prison who dared to transgress her Imperial Edicts in these particulars." Hume's Elizabeth, chap. viii.,—Heylin writes, and certainly rather to praise than find fault, "One Morrice, attorney for the Duchy of Lancaster, having offered a Bill to the House of Commons, for restraining the Ecclesiastical Courts in much narrower bounds—(viz. the Court of High Commission). She first commanded Coke, the Speaker (afterwards Chief successively to either Bench) not to admit of any such seditious Bills for the time to come: caused the person of the said attorney to be seized upon, then deprived him of his place in the Duchy Court, disabled him from practising as a common lawyer, and finally shut him up in Tutbury Castle, where he continued till death. See Heylin's Religio restaurata, 35 Eliz. in the preface.

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The savage barbarity in the execution of those laws in England, Scotland, and Ireland, against Protestants, Catholics, Presbyterians, Puritans, Quakers, Cameronians, and all Dissenters, all of which were adopted, enacted, and practised from the time of Henry VIII., and some of them in slighter shades continued to this day.[36]

(36) Hen VIII. to George II.

DURING THE REIGN OF EDWARD VI., when the Reformers had every thing their own way, we might have expected, if their claim to true principles of civil and religious liberty be merited, that much would have been done under their auspices, and that the administration of the laws, respect to public and private property and the improvement of education and of the literature of the country, would have been diligently attended to. But it happened then as it has done since, that though the opinions of Cranmer, Latimer, Ridley, Hooper, Bucer, Peter Martyr, &c., then the leading men, were founded on the right of individuals to religious liberty, yet their practice was complete intolerance and persecution, A show, indeed, of some return to the principles of our constitution, was made at the beginning of the reign, by the repeal of the motley list of new-fangled treasons invented by Henry VIII., of his six bloody articles, and of the statute which gave the force of law to the royal proclamations;[37] but they soon relapsed into the same tyrannical course. The denial of the King's supremacy[38] was made treason; the act of uniformity of worship,[39] which the Bishops declared was made "with the aid of the Holy Ghost," was enforced by fines, and finally by imprisonment for life; and the practice invented by Lord Cromwell of attainting and executing persons by act of Parliament, without trial, was again had recourse to. The High Admiral, Sir Thomas Seymour,[40] uncle to the King, was, on charges which now appear frivolous, executed without having been allowed any trial, or to have the witnesses

(37) 1547.

(38) 1552.

(39) 1548. See Parl. History, page 254.

(40) Hayward, vol. II., p. 34. Parl. History. State Trials, page 506.

against him examined face to face; if the story in the State Trials be correct, he was first put to the rack,(41) and then, at the suggestion of Latimer, condemned and executed.*

(41) Howell's State Trials, page 505, &c.

Soon after this death, his brother and accuser, the Protector Somerset, experienced the same fate; apparently with still greater injustice; and an act was passed to disinherit his infant daughter and two other persons, because the law did not reach them. Illegal imprisonments were continued; elections openly interfered with, even by letters written by the King.(42) The property which had been seized by the country from the colleges and other foundations was squandered away,(43) and the ancient public libraries that had been founded by Humphrey Duke of Gloucester, Angerville Bishop of Durham, and Cothum Bishop of Winchester, were destroyed. The indefensible statutes against heresy, were again carried into execution by a commission of inquisition, and several Anabaptists and Unitarians prosecuted and punished, and two of them, of whom one was a woman, were burnt alive.†(44)

(42) Par. His. page 266.

(43) Heylin, Collin. vol 2. Camden.

(44) Stowe, 105.

* Whoever wishes a sample of the most uncharitable sermons ever uttered, must read those preached by Latimer, before the King, on the execution of his Uncle, where he endeavours not only to prove the justice of his death, but also the extreme probability of his being damned. Howell, page 506.

† In these commissions, *ad inquizendum super hæretica pravitate*, Cranmer is appointed Chief Inquisitor, and Ridley, Latimer, Coverdale, Cecil and Matthew Parker, Commissioners, the wording would even be satisfactory to an Inquisitor of the Old Spanish School.—They are to make inquiry "respecting all articles of heresy whatever, and examine all persons suspected, detected, denounced as accused of heresy or error in Christian doctrine, and to receive and admit all witnesses or other modes of proof whatever, and to use all other means, modes, and forms the most efficacious to extract the truth in a plain and summary manner, without noise, or the appearance of judicial forms;" and finishes by directing that the obstinate shall be delivered over to the secular arm, "notwithstanding that any accusation or indictment against such persons shall not have been proceeded in, or any other statutes or ordinances in our Parliament to the contrary declared and provided, in which perhaps greater solemnity, and more circumstantial facts, may be required to carry such matters into effect." See, *Rymer, vol.* xv, *page* 181 *and page* 250.

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Nothing can prove more strongly the principles of intolerance that prevailed among those divines who were appointed to instruct the young King, than the persecution which his sister underwent. She was deprived of the exercise of her religion, her servants imprisoned, her chaplains dismissed, herself threatened with coercion by the council; [15] and the regret expressed by Edward, (then under 14 years of age), that it should not be deemed prudent, by them, to put the laws in force against a sister 32 years of age, for what he called her idolatry, is a sufficient proof of the manner he was instructed. By those laws, Mary might have been brought to the scaffold. Lastly, the Tudor-like assuming to dispose of the crown, without the consent and contrary to the enactment by Parliament, is not very constitutional; and this changing the order of succession to the throne, both in the persons of Mary and of Elizabeth, of which one at least must have been admitted to be legitimate, is another proof of the arrogance of this young King's council, which no doubt greatly contributed to the dreadful re-action of the ensuing reign.

(15) See letters, Howell; State Trials, 1500—1501, and Ellis's original letters.

I will not enter into the remorseless cruelties which disgraced Mary's and Elizabeth's reigns: the Protestant and Catholic historians are full of the disgusting details; each seeing the mote and overlooking the beam in the other's eye;—in matters of persecution, those two ladies may fairly pair off.

At this period, when the religious opinions in this country were so much divided, both Queens, under very great provocation, adopted the councils of the most violent, and looked to persecution for that personal security and stability to their thrones which they would have found in religious liberty.—Mary, no doubt, attributed to the leaders of the Reformers all the miseries she had experienced from her infancy;—her mother's degradation, her birth stigmatized, her harsh treatment

by her father,* and, when restored by him to her station, the personal persecution of her brother and his council; her exclusion by his will from the succession, and the attempt by arms, preachings, and writings of the Reformers, to prevent her accession; and afterwards the successive insurrections of the Duke of Suffolk, Sir Thomas Wyatt, and others, and the outrages to her religion, before any persecution had been decided on,—were not likely to create much mildness in a Tudor breast.†

* In addition to her harsh treatment by Henry VIII., Michele states that she was at one time obliged to serve Anne Boleyn as a mistress.—*(Comt Padrona.)*

† Heylin, who wrote his history in praise of the Reformation, states, however, many facts which a less conscientious historian would have suppressed, and he has said more to palliate the conduct of Mary, than, in my opinion, she deserves. He states that she could not but attribute the misfortunes and rejection of her mother to the Reformers, as well as her own persecution under Edward VI., and his subsequent will, which deprived her of the throne, and the insurrections that followed. He relates, that "Philip on his marriage, prevailed with the Queen to discharge all such prisoners as stood committed in the Tower, either for matter of religion or on account of Wyatt's rebellion—and took great pains for enlarging the enlargement of the Earl of Devonshire and the Princess Elizabeth, committed on suspicion of having had a hand in Wyatt's rebellion." He goes on and relates many excesses, acts of violence against the priests exercising their functions, sermons against the Queen praying for her death; as well as the writings of Goodman, the friend of Knox, in defence and in praise of Wyatt's insurrection; on which he observes, "It cannot be denied but that the restitution of the reformed religion was the matter principally aimed at in this rebellion." He attributes these excesses to the Zuinglians, (for he is not inclined to tolerate other Protestants than those of the Church of England,) and writes, "such were the madness of those people; but the orthodox and sober Protestant shall be brought to a reckoning, and pay dearly for the follies of those men, which it was not in their power to hinder. The governors of the church, exasperated at their provocations, and the Queen charging Wyatt's rebellion to the Protestant party,—agreed to the reviving of the ancient statutes (16) for the severe punishments of obdurate heretics even to death itself. But the great Bishops of the time were not alike minded for the putting them into execution. The Lord Cardinal was clearly of opinion, that they should rest themselves satisfied with the restitution of their own religion, and that the said statute should be held forth for a terror only, but that no open persecution should be raised upon them; following therein, as he affirmed, the counsel sent unto the Queen by Charles the Emperor, at her first coming to the crown, by whom she was advised, *to create no trouble unto any man, for matter of conscience, but to be warned unto the contrary by his example, who, by endeavouring to compel others to his own religion, had*

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(16) 3rd Mary

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It may also be said of Mary, though the cruel use she made of the indefensible law respecting heresy should never be palliated, that she did not invent new laws for proscription, but abolished all the new treasons and felonies which her father and brother had enacted, (and which were revived and newly modelled by her sister,) that she summoned Parliaments annually, paid more respect to its principles,* and appears to have governed more according to the ancient constitutional laws than any of her blood; but bad actions are not to be justified by bad principles, or cruelty by revenge.

Let any one contemplate the miseries and the slavery of mind to which the sovereigns of this country attempted to reduce their subjects, by enforcing uniformity in religious opinions, during the short space of 23 years,

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tired and spent himself in vain, and purchased nothing by it but his own dishonour." On the subject of the execution of the Lady Jane Grey, Heylin also palliates the conduct of Mary, and writes, "The Queen finding she was to expect no peace or quiet as long as the Lady Jane was suffered to remain alive, caused her to be openly executed on the 12th of February next following." But as the Lady Jane had, to the knowledge of Mary, been drawn into the scrape by the will of her brother appointing her Queen, without any participation on her part, and had reluctantly complied, and readily given it up, and had now for nine months been in prison, without in any way being a party to the new troubles,—this was, in my mind, under all the circumstances and after such a respite, a very hard-hearted and unworthy act. However the subsequent conduct of Elizabeth to Catharine Grey, (47) Lady Jane's sister, who by Edward's will was the next to succeed her, is even a less justifiable exertion of Tudor policy. She was first married and divorced from the son of the Earl of Pembroke, in fear of Elizabeth, before she could bear children; and when she afterwards privately married the Earl of Hertford, she was committed to the Tower without trial, where she died after nine years' imprisonment.

(47) Aspen's Genealogies.

* The great lawyer, Edmund Plowden, a zealous Catholic, of whom Camden observes that he had scarce a rival in his skill in the law, or in the integrity of his life, was one of the seceders from Parliament on account of the violent proceedings of Mary and her ministry, and who traversed the indictment preferred against them for so doing. Among the twenty-six who were parties to this secession, I find the names of several others whose families appear to have remained Catholics to this day.—See Coke's Institutes; and Parliamentary History of Mary. By the same history, it appears that we owe the system of the continuation of tithes to a committee, of which Sir Wm. Cecil (Lord Burleigh) was the chief director.

and they will scarcely think that any tyranny could equal it in its fatal and revolting consequences. In 1535, nearly the whole population was Catholic: next year all were to adopt a religion of Henry the Eighth's own arranging, under the severest penalties: in 1547, under Edward VI., they were subject to other inflictions unless they became Protestants: in 1553, Mary's reign followed, and they were either to be Catholics or to be burnt: in 1558, by a new course of bloody cruelties, under Elizabeth, they were compelled to belong to the Church of England:—all this might happen, even to a short-lived person born about the beginning of Henry the Eighth's reign. I pass over the troubles which subsequently agitated the nation, partly on the same account, during the reigns of Charles I. and his successors. The conclusion drawn from all past experience must be, that whatever Government determines on compelling its subjects to uniformity of religion, must also make up its mind and conscience to cruelty and tyranny, and never expect one quiet moment: persecution and parrying its dangerous effects become the chief occupation of such a government, a great part of its subjects are made miserable, and the progress of all national improvements and ameliorations is impeded. Such ought not to be the course and progress of a well organized state. In our own widely extended empire, including the Gentoo, Mahometan, Canadian, Maltese, Ionian, and all the religions that exist, surely the good-will and confidence of the subject, is an object: it is policy to be liberal.

To proceed to the reign of QUEEN ELIZABETH.—Immediately on the death of Mary, Nicholas Heath, Archbishop of York, and Chancellor, summoned the Lords and Commons; she was proclaimed, and her accession greeted by the acclamations of all parties: of her title there could be no doubt, it had been decided by the statute of the 31st Henry VIII., and she had been acknowledged by her sister as her heir, who sent to her her

ELIZABETH Nov. 1550.

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jewels just before her death. One of the first steps the Queen took, was to notify her succession "by hereditary right and the consent of the nation," to foreign powers; and Sir Edward Carne, the English Ambassador at Rome, had her directions to acquaint the Pope that she had succeeded to her sister, and had "*determined to offer no violence to the consciences of her subjects, whatever might be their religious creeds.*" Most unfortunately, Paul IV., a man of haughty and aspiring disposition, who was persuaded of the validity of those claims which had occasioned so much mischief to the world, was still alive; and though he had, in justice, no more business with Elizabeth's genealogy, and the proceedings of the English nation, than St. Peter had with Tiberius, he returned, at the instigation of the French Ambassador, the meddling and unjustifiable answer—"That he was unable to comprehend the hereditary right of one not born in wedlock; that the Scotch Queen claimed the crown as the nearest legitimate descendant of Henry VII., but that if Elizabeth were willing to submit to his arbitration, she should receive every indulgence from him which justice would allow." It was in vain that Pius IV., who succeeded to the Tiara very soon after, attempted to retrace these steps so offensive to her and the nation; it was too late, and the die was cast. From this deplorable and unjustifiable provocation, all the woes felt by the Catholics to this day derive their source, and to the support of those claims Mary Queen of Scots also owed her misfortunes. I do not believe that Elizabeth was deluded by the same inconsiderate zeal as her sister, though she had imbibed a partiality to the Reformers from her infancy; but this most condemnable provocation decided her conduct, and riveted her by interest, wounded feelings, and self-defence, to the Reformation; it infused into her mind suspicion and doubts respecting the allegiance of her Catholic subjects, and by their gradual workings, fixed in it a rooted hatred to their

religion, and a determination to extirpate it. Had this happened otherwise, though it appears likely that she would have established the Church of England, she would also probably, and in good policy, have adhered to her promise,—and Catholics would have been left in the undisturbed exercise of their religion, and the possession of their civic rights.—Elizabeth, though she experienced the steady adherence of her Catholic subjects, now proceeded to add one penal law to another, and these in their re-action brought plots and insurrections against her; the still more condemnable Bull of Pius V.*

* It appears to me that in proportion that a Catholic is deeply convinced of the truth of his faith, and attached to his religion, he will lament and condemn the conduct of those Popes who, in the darker ages, either guided by their ambition and desire of power, or deluded by false and unfounded notions, claimed a right to interfere in temporal concerns, and even to depose Sovereigns and absolve their subjects from their allegiance.—The English Catholic has most particular reason, as a victim, to deplore the effects of a doctrine which was the cause of so much mischief, and the plea for such defection: but whoever is inclined to be just, will find in the Defence of the French Clergy, by Bossuet, (50) (whose orthodoxy no one can doubt,) the clear proof, that though the doctrine had its partizans, it never could be imputed to the Catholic Church, and was at all times resisted by the most pious Catholics, Sovereigns and Clergy, in countries truly attached to the faith. It will be clear to the unprejudiced, that the Popes themselves have renounced such maxims and claims, and we need not accept from any high stationed opponents, their version of our belief, or allow them to be, in our behalf, more Catholic than the Pope.—No! sufficient for them will be the task to reconcile the inconsistency of the denial of all corporate as well as individual infallibility, with the right to compel us, under penalties, to adopt their opinions, as well as to explain such contrarieties as toleration with penal laws, or intolerance with liberty of conscience:—surely those who deal in impossibilities ought not to make such a fuss about miracles. It is as unfair to charge a Catholic now, with such opinions, as it would be to impute to the Church of England, the doctrine of passive obedience and non-resistance, because it was so strongly supported by many of its ministers in the time of Sacheverel.—Do we object to the Jewish Dispensation on account of the worldly views and misconduct of their High Priests, or of Pharisees or Sadducees? no! in such retrospects, the characters of individuals entirely disappear, and nothing but the principle is even thought of.——The declarations made this year by the revered Catholic Prelates of England, Ireland, and France, (and none can be more venerated than they are at Rome, as well as here,) are grounded on the same principles as actuated the whole body of the clergy of France in their Declaration made in 1682, and as produced the answers of the Catholic Universities to Mr. Pitt.—Pope Pius VI., in a letter to the Irish Prelates in 1791, declares "That the See of Rome

(50) See particularly ch. 23, lib. 4.

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confirmed the Queen's resentment, and notwithstanding the truly zealous support given by the Catholics during the Spanish invasion,[48] the rigour of her laws against them increased, and threatened every one with ruin or destruction. And although, during this reign, no principle of the constitution was left inviolate, the courts of justice never so tyrannically administered, the system of favouritism scarce ever so prevalent, yet this reign is one of the most popular in our annals. Is it then nothing unpleasant to be ruled with a rod of iron?—The continuance of this severe persecution in the beginning of the reign of James I., notwithstanding the hope he had given of its relaxation, finished by driving a few Catholics to undertake, in desperation, the most atrocious plot that ever was devised;[49] fortunately some feelings of friendship of one of the conspirators led to a discovery of it, through Lord Monteagle, who was a Catholic. But though it was proved that the conspiracy was confined to a small number of persons, the hatred and disposition to oppress the Catholics increased, and became the habit

(48) A. 1588.

(49) Gunpowder Treason, 1605.

had never taught that faith was not to be kept with Heretics, or that an oath to Kings separated from the Catholic communion can be violated; or that it is lawful for the Bishop of Rome to invade their temporal rights and dominions; but that the See of Rome had always taught that every attempt or design against the lives of Kings and Princes was a detestable crime."——Pius VII. readily declared to Bonaparte his consent to sign that Resolution of the Clergy of France, made in 1682, which contains a most decided declaration of the independence of the temporal power, in all civil concerns.—The present Pope Leo XII., in a letter addressed to the President of the United States of Mexico, dated January 29, 1825, declining to interfere in their disputes with the mother country, uses these expressions—"Our peculiar character, and the dignity to which, without the least merit, we are raised, exact of us that we interfere not with any thing unconnected with the Church."—Again in his encyclical letter to the prelates of Christendom, in 1824, he expresses, that "on civil matters he does not treat." It may also be added, that the Rev. John Lingard, and the Rev. John Fletcher, who have both written very strongly against such claims, have since received from the Pope the degrees of Doctors of Divinity, &c. What Digby, Lord Halifax, formerly said that *he was of the religion of the Church of Rome, but not of that of the Court of Rome*, was at that time a fair distinction; but since the indefensible claims which some Popes had set up, have been abandoned, it is no longer accurate:—however, with their politics we have nothing to do.

and pastime of the nation,* the watch-word of opposition, a kind of bull-baiting, and the ministry devising and getting up some fanciful popish plot, or executing a few priests and imprisoning a few country squires, as a tub to the whale. Even the tories, who prided themselves on their services to Charles I. and attachment to the Stuarts, made then and even now make the support which Catholics gave to that cause, a source of imputation against their religion, taxing it with a particular predilection to arbitrary sway; but that attachment is, as I have before stated,(51) accounted for by the impulse of human nature, If the Catholic was then more favourable to monarchy, it was because he "was so oppressed by the laws enacted by the popular party, that absolute monarchy itself would, to him, have been comparative freedom."

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(51) Remarks, p. 3, 3rd edit.

From the time of Elizabeth, we proceed through innumerable instances of subversion of our fundamental laws, most intolerant perversions of justice in our courts, with persecutions of every description, alternately embracing every Christian mode of worship, to that of James II. That King, in my humble opinion, merited his fate, even if we judge solely from public events then known. He raised money without the sanction of Parliament, claimed a dispensing power and removed all the judges who opposed it; disfranchised many corporations, and served others with vexatious and unjustifiable *quo warrantos;* called on the Bishops to make declarations which were no part of their duty, and imprisoned

JAMES II.

* I have sometimes thought that the fable of the boys and the frogs may be aptly applied to our situation:—"This is play to you," say the Catholics, as the frogs did to the boys who were pelting them, "but it is death to us." Some boys give over from principle, some from being weary of pelting, or from being annoyed by the splash, others reply—"How unreasonable! have we not left off pelting you with brick-bats? we now use stones no larger than cricket-balls! no, we will pelt away for ever:" others again say—"Have patience, and, in a generation or two, if you remain quiet, we may perhaps cease pelting; this is not the time to leave off." But the frogs are unreasonable enough to continue their request, that they may not be pelted at all.

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them for not doing it; removed most arbitrarily the heads of colleges, and evidently showed that his object was to establish arbitrary power and to rule without Parliaments. But if we take into consideration what has in later times been discovered, I mean his treason to the country by his becoming the pensioner and tributary of Lewis XIV., with the pledge he gave to support that prince's objects, which were hostile in the extreme to the rights, interests, and power of this country,—we shall all agree, that both he and his brother deserved the fate of their father. If James had any merit, it was for that which was the immediate cause of his expulsion, his attempt at introducing toleration. It is indeed (on the consideration of his conduct towards the Presbyterians in Scotland, both before and after his accession) difficult to give him credit for a sincere conversion to the principle; but when he states in his tardy declaration:[52] "I hope they will agree to a liberty of conscience to all Protestant Dissenters, and that those of my own persuasion may be so far considered, and have such a share of it, as they may live peaceably and quietly as all Englishmen and Christians ought to do, and not be obliged to transplant themselves, which would be very grievous. And I appeal to all men whether any thing can make this nation so great and flourishing as liberty of conscience; some of our neighbours dread it; and I could add much more to confirm what I have said, but this is not the proper time:" when he wrote these sentiments, which were in some degree confirmed at the close of his life, it is charitable to hope that he had become a convert, and had been convinced by experience and misfortune of the wisdom, justice, and policy, of religious liberty. The heads of the Church of England had acquiesced and supported him and his brother in their attacks on civil liberty, and in their persecution in Scotland; they had certainly strengthened the Stuarts in their conviction of having a right to arbitrary power, by

(52) Parl. His. 28 Dec., 1688.

their repeated declarations, that it is the duty of subjects to submit to it, and it is remarkable, that the only time they resisted the King and bristled up against his authority, was when the toleration was taken up by him.—This conduct does not certainly entitle those who lay claim to the merit of civil and religious liberty being *essentially Protestant,* to bring this instance as a proof of it. But intolerance, I again repeat, is not the growth of any true religious principle in any persuasion; it proceeds solely from state policy, the love of power and command, and the desire of exclusive possession. It is indeed a very contagious disorder, long attacking whole nations, then cities, universities, par excellence, even particular colleges where *the mark of the disorder is spread on the walls,*(53) and all the *scraping off,* by events or experience, has had but little effect. Oxford itself is far from being out of *quarantine:* Cambridge has, however, cleaner bills of health, and we may hope that both may hereafter be content with the enjoyment of what is in their own manger, without so much snarling at others who are not so fortunate.

(53) Leviticus, chap. 14.

THE REVOLUTION was no doubt a glorious event, inasmuch as it was the triumph of civil liberty over arbitrary sway, and the cause of the restoration of much of our ancient constitution: but owing to the intolerance of the times, of which its leaders largely partook, it became rather a check than advancement towards religious liberty; and it is also to be lamented, that the love of liberty and of our laws seldom influenced the conduct of parties when they interfered with the politics and objects of the day. As to us Catholics, government continued till the reign of George III., both here and in Ireland, to ransack their imaginations for the means and modes of tormenting us. Whether the national faith has been preserved or not respecting the treaty of Limerick, is now a question *sub judice;* it may be evaded and possibly set aside by nice distinctions, but I should think that no

See Parnell's penal laws.

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gentleman would like to have his honour, in his private transactions, rest on such ticklish foundations. In many trials also, where politics were concerned, the courts of justice were scarcely less free from nefarious dealings than they were in the times of Oates' and the Rye-house plots, where (54) "it was a common practice to return juries so prejudiced and partial, that, as Cardinal Wolsey formerly observed, they would find Abel guilty of the murder of Cain."

(54) On Penal Laws, by the late Lord Auckland.

A long list of aberrations from the spirit of our constitution and free institutions may be enumerated.(55) By the bill of rights which was pronounced to be a fundamental law and our second great charter, it was declared that Parliament should be renewed every three years, and the representation of the people became legal for that period only; yet that very Parliament, elected to preserve those fundamental laws, voted itself elected for seven.—Not only has this continued, but the attempts to restore the representation, which has evidently widely swerved from its original object, has been most pertinaciously withstood. Standing armies, contrary to all former ideas, and the billeting of the soldiery on the inhabitants have become a permanent system. The Habeas Corpus Act frequently suspended, and with very little proof given of its necessity. Parliament inflicting pains and penalties, when no legal proof of crime was obtained.(56) Attainder and execution for treason by Act of Parliament, when legal conviction was not obtained.(57) Persons imprisoned by Act of Parliament for upwards of 30 years, and all trial refused them.(58)—The Duke of Ormond attainted for treason when dead.(59)—General warrants devised, though since dropped—I also doubt very much whether ex-officio informations by the Attorney General without the verdict of a grand jury, or special juries in civil cases are part of the ancient law of this land.—The adoption of the Alien Act as to foreigners is also new, and contrary to an Article of the Great

(55) Wm. III.

(56) Atterbury's case, 9th Geo. I, State trials.

(57, 58) 8th Wm. III. See State trials.

59 Ibid. 1st Geo. I.

Charter.—The attempt to tax America without admitting it to be represented, was also a most fatal deviation from the spirit of the constitution. The practice of torturing to obtain confessions, as used in Ireland, is yet left uncondemned.—Much further detail might be entered into, but I will pass to the history of other countries; first requesting the reader to be persuaded, that in relating the crimes and injustices I have stated, it is far, very far indeed, from my thoughts, to impute to the influence of the Protestant religion that which is quite incompatible with the principles of every Christian persuasion; yet it must be admitted, that the deteriorations I have recited are not proofs of any increase of the genuine and enlightened spirit and feelings of freedom and religious liberty, nor any improvement of our notions as to strict justice and its scrupulous administration having, as is claimed, been infused into this country by the change in its religion. Those who assume to themselves the whole merit of our constitution, and now aver that we owe all genuine principles of civil and religious liberty *solely* to Protestant ascendancy, must expect from us a tug at the sheep's clothing, and that we shall not allow them to rid themselves of these incumbrances. The influence of the Christian religion (which alone could have rescued the world from the state of extreme depravity into which it had sunk in the time of the first Roman Emperors) presided also, without doubt, over the hearts and the judgment of our ancestors, when they laid the foundations of our constitution on such true principles of justice. The Catholic erected the fabric, the Protestant supplied the buttresses to repair and support it, but it is not the creation of either, any more than the laws and patriotism of Greece and Rome, which we admire, are to be ascribed to the merits of Heathenism. Religion teaches us our duty to God and man, should make us do to others as we would be done by; but rightly taken, ought not to be a politician. Moreover, to do justice to that principle

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of the Protestant religion which decides that every one has a right to make free inquiry, and adopt his own construction of the Scriptures, in matters of faith,—it must be admitted, that it is decidedly hostile to every shade of intolerance: its professors would otherwise be punishing those who follow their doctrine and advice; whoever, therefore, concurs in any degree of oppression on account of religious opinions, must lay it to the charge of his own disposition, and not shelter himself under any pretence of religion. But history will unfortunately, in most cases, prove that many leaders of different religious persuasions, who, denying authority in religious doctrines, have claimed and adopted the right of private judgment, have often, when they have succeeded in obtaining followers and support, lost sight of the principle, and then done their utmost to re-establish authority in themselves, and to confine the right to the adoption of their own tenets; and when they have acquired real power, have actually prosecuted others for not conforming to their opinions.*

For my part, I feel great pleasure in avowing, that among the many free-hearted and generous noble-minded persons of my acquaintance, I see no distinction between Catholics and Protestants, either in public or private life; state me a case, in reference to their country or to their intercourse with individuals, and I could always tell you what their conduct would be. I own, however, that I do feel great indignation, that any one should assume to himself being a better Englishman than I am, on account of any difference in our tenets; nor do I understand how any person of generous feelings, and disposed to benevolence, can make up his mind to con-

* It is the heart of every true Englishman, and the generous feelings infused by the long use of liberty, and not his attachment to any particular religious tenets, that make him the advocate of freedom: on the contrary, the mistaken notion, that to prove his sincerity in religious matters he is bound to become God's avenger, has often counteracted it. It is indeed most dangerous to liberty, so make feeling the ground of legislation.

tributed to the distress and unhappiness of others, on account of difference of opinion in points generally above human comprehension.

When we look to the history of other countries, we cannot fail to observe—that the power of Sovereigns was more circumscribed throughout Europe before the sixteenth century than it has been since the Reformation, and this, at least, proves that the love of civil liberty was not particularly infused by the change of religion.

The Empire of Germany was very far from being an absolute government.—"The imperial crown, (says Robertson,[60]) as well as those of most monarchies in Europe, were originally attained by election.—It appears that from the earliest period in the history of Germany, the person who was to reign over all was elected by the suffrage of all.—That the Princes of the greatest power and authority were allowed by their countrymen to name the person whom they wished to appoint Emperor, and the people approved or disapproved of their nomination. At the election of Lotharius II., in 1125, sixty thousand persons of all ranks were present." Later, and not till the year 1239, the suffrages of the princes, nobility, and of the deputies of imperial cities were taken, and it was not till then that the number of electors were, under the plea of their being the representatives of the whole, reduced to seven; for all other matters, the Diets continued to be Judges in appeal and law givers, as before.—Augsbourg, Francfort, Hamburg, Nuremberg, Ulm, and other free imperial cities, of which there were at one time[61] more than sixty, were sovereign States, and, in fact, small republics, chusing their own magistrates and administering their own laws. The Hanse towns had also great privileges and immunities, and most of the principalities had some free laws and popular rights, performing only certain services and paying regulated taxes; in a word, the whole country enjoyed greater freedom in its laws and institutions than it does now.

(60) Robertson's Charles V., vol. I., p. 380.

(61) General Atlas; Guthrie's Geography Putter's Germanic empire.

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The wars, in Germany, on account of religion, afford a convincing proof of the mischief of persecution, and its inutility; it has however long since adopted complete religious liberty,—in all the sovereignties which compose it, there is no exclusion on account of religious opinions. Our royal family furnish an instance of this liberality, in the person of Ernest Augustus, father of George I., who was raised to the electoral dignity by the nomination and influence of two Emperors of the House of Austria. Leopold made the appointment which was confirmed and carried into effect, in 1708, by Joseph I., with the concurrent votes of the electors, then eight in number, of which, if I mistake not, seven were Roman Catholics, and among these three were Archbishops.*(62)

(62) Putter.

In the civil wars of that country and of France, to which I admit that the Protestants were at first, in great measure, urged by self-defence, the only object appears to have been dominion for their leaders and for their religion; I do not find a single step taken, or idea held forth, of promoting civil liberty or greater freedom in their institutions; the Protestant sovereigns in Germany who espoused the Reformation, did no more towards those desirable objects than our own sovereigns from the time of Henry VIII. to that of Charles I.,—and most of the Reformers of the sixteenth century became persecutors.

THE LATE KING OF BAVARIA and his excellent hearted son have concurred in giving a free constitution to their country, and in devising all the means to make them happy as well as free; and the KING OF WIRTEMBERG and SOVEREIGN OF BADEN have followed the same admirable example.

SAXONY was the first and among the most enlightened

* The Electors professing the Catholic religion, were the King of Bohemia, (the Emperor,) the Elector of Bavaria, the Electors Palatine and of Saxony, who had embraced the Catholic religion; and the three Archbishops, of Mentz, Treves, and Cologne, Ecclesiastics; the Elector of Brandenburgh, being the only Protestant among them.—See Putter's Germanic Empire, vol. II.

of the divisions of Germany that adopted the Reformation; but nothing was done then or since favourable to civil liberty, and at first the government was very intolerant, allowing of no religion except the Lutheran. In 1697, the Sovereign became a Catholic, but declared that he would not interfere with the religion of the country: and this promise he and his successors have kept; and further, they have still continued to be confided in as the directors of the Protestant interest in Germany. I have before remarked, that "we see in Saxony, a succession of Catholic Princes administering the government of a country, entirely Protestant, in a manner most particularly paternal."—See my Remarks, page 12.

Putter, vol. 2. page 363.

See Putter, vol. 2., p. 384.

THE INHABITANTS OF THE TYROL ought not to pass unnoticed: they are generally held to be the most honest and industrious, and the most steady and religious people in the world. When, with Hoffer at their head, they rattled down their rocks, in the name of the Holy and undivided Trinity, from the scaffoldings they had prepared on their mountain sides, and overwhelmed whole columns of French below, did their religion interfere with their patriotism? Did the Emperor exclaim, "No! this will not do! these people believe in the spiritual supremacy of the Pope; they may, by some inexplicable means, counteract my Aulic Council at Vienna?"—When, at the waving of the banner of the Protestant BLUCHER, the whole of Catholic Silesia rose in a mass to the rescue of their Protestant King;—when the same men came to our succour in the field of Waterloo; was there any cry of "Hold! you are men of *divided allegiance?*" No! that hobgoblin, intended to scare the country out of all common sense, did not then make its appearance; yet the King of Prussia stood entirely in the same case, *as to limited allegiance*, as our Sovereign does, but he had admitted every Catholic to the enjoyment of his rights, or they would not have stood forward as they did: here

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it seems, the maxim of government is to [illegible] *then abuse them.* There are in different parts of Germany many instances of churches used at one hour for the Protestant and at another for the Catholic service; such was also the case in Alsace, though in possession of the French during and from the reign of Lewis XIV.—At Strasburgh, the magistrates, Catholic and Protestant, were in equal numbers, and, during the four years I resided there, I never heard of any interruptions of harmony on account of difference in religion.

SWITZERLAND. If any country has a better claim than another, either in ancient or modern times, to be called the Temple of Patriotism and of Liberty, it is this.—More than two centuries before the Reformation they vindicated their "ancient liberties and rights," and withstood, against the most fearful odds that ever appeared in fields of battle, the whole power of the Emperors, Arch-Dukes of Austria, of Charles the Bold, Duke of Burgundy,(63) and of Maximilian I.(64) If we enter into detail respecting the government of the different Cantons, it will be found that those who remained Catholic retained their democracy, whilst the more populous Protestant divisions degenerated into aristocracies and oligarchies. The Catholic Cantons and the Vallais are also more particularly distinguished by their magnanimous and devoted defence of their country against the French; there are, to the honour of mankind, still living, fathers of families, who, with the assistance of their wives and children to load their rifles, defended hill after hill, valley after valley, whilst a spot of ground remained unoccupied by the enemy. As they are aggregately for valour and patriotism, so are they also individually renowned for integrity, tranquil demeanour, trustworthiness, and fidelity; yet if these men came to England, they would be told that *they cannot be true to their country;* though their very saints were patriots.*

(63) A. 1250, and most particularly 1307. See Putter, vol I., p. 258. Delices de le Suisse, p. 35. Universal History, &c. A. 1315, Morgasten; 1386, Sempach; 1444, Basle; 1476, Grandson; Do. Morat.

(64) A. 1499.

* St. Nicholas Flue, of Underwald, is revered both as a patriot and a saint. To use the words of a Protestant author: "He was

SWEDEN, DENMARK, and NORWAY, were limited monarchies in Catholic times, but are now absolute; and it PART I.

the admiration of his age, and was held by the Cantons in profound veneration, and his remonstrances and exhortations were received as oracles. He possessed a great fund of good sense and piety, was well acquainted with the true interests of Switzerland, and it would have been well if they had always followed his advice: Switzerland would now be more flourishing than it is."—See Delices de la Suisse, page 431. Nicholas de Flue had been a warrior, and on his return to his country, Landamann of the Republic, and the father of ten children; at the close of his life, he retired and lived as a hermit. He is represented, in a large picture in the town-house at Stantz, as rushing between the troops of the five small cantons, and those of Soleure and Fribourg, and exhorting them to peace—in which he succeeded. His tomb is in the church of Saxelen, where the manuscript book of advice to the Cantons is preserved in the sacristy, which, on occasions, has been consulted and followed. The Cantons bought a house and some land, which is always appropriated to the poorest of his descendants.—Numbers of individuals of all ranks, in all countries, to the honour of human nature, might be named, who, by great sacrifices of their property, have founded charitable institutions, and have often devoted their whole existence to these objects, in the pious hope, that by that obedience to the precepts of charity enjoined us towards our neighbour, united with their duties to the Almighty, they may obtain grace, through our Redeemer, to accomplish their salvation. No where are there so many great and charitable institutions as in this country, none surpass our fair country-women in their active zeal in aid of distress; but much of what formerly existed here, has been lost to the nation;—again we find Henry VIII. robbing the poor-box: out of 130 hospitals which had been, in early times, founded and located in 101 different cities and townships in England, he suppressed 110, and seized the land, tithes, and rents, which had been appropriated to their maintenance; all which was dissipated in his and Edward the Sixth's reign.—See Dugdale's Monasticon, vol. II., p. 367; Speed's list, p. 1043; Collier, Camden, &c.—There is scarcely a town on the continent, where such endowed foundations do not exist, and some of them very extensive. Among the religious orders, which have been so much railed at, it should not be overlooked that there are several whose sole occupations are manual service in the hospitals, or attending the sick, teaching in lower schools, the redemption of captives, or befriending the wretched in every way. The example of the Bishop and Clergy of Marseilles, at the last plague there, should not be forgotten; nor the volunteer attendance, on a religious principle, of 60 persons from France, clergy, physicians, and others, on the sufferers by fever in Barcelona, in 1822, in which many fell victims to their zeal; of these, many were of the *Sœurs de la Charite*, who were allowed to volunteer their service as nurses, in a certain proportion, from their different establishments. The value of the services of those good nuns are not unknown to our army, particularly after the battle of Toulouse. I was told there (in 1811) an anecdote which should be known here:—One of these excellent persons, known by the name of *Sister Martha*, had sold her little property for the relief of the Spanish prisoners in that city, and she attended our hospitals with equal assiduity; the Duke of Wellington re-purchased the estate, from his own means, and gave it back to her.

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might be pleaded, that their religion had not so much of the spirit of freedom belonging to it, as to induce them to maintain the liberty which had been bequeathed them by their Catholic ancestors. I shall, however, be much mistaken, if Denmark, has the good fortune to preserve the high-minded and liberal prince who is to succeed to the throne (and who made so gallant an attempt for the defence and independency of Norway against the Swedes and ourselves) does not receive a free constitution from his hand. Religious liberty is already established there; of which Count Edmund Burke afforded a conspicuous instance. He was an Irish Catholic, and was brought up with me at the English Monks at Douay, and he remained to his death steady in the open practice of his religion. He had some property in the Danish Island Santa Cruz, which took him to that country, where he became the Catholic Ambassador of that Protestant country, not only to Spain and France, but also to his own country, which had proscribed his able and meritorious services.

ITALY.—In the middle ages, most of the principal cities of Italy had become separate republics, and, like ancient Rome, they lost their liberties—not by the influence of the Patrician order, but by the popularity of some individual, or of some family to whom the citizens made the surrender; thus Florence, the reviver of letters and the arts, after having reduced the republics of Pisa, Arezzo, Perugio, Sienna, &c., gave themselves to the family of Medici, Padua to the Carrari, Milan to the Visconti and Sforzi, Verona to the Scaligers, &c. &c.; but religion had no share either in their rise or fall.

See Sismondi History of the Italian Repub

The little town of St. Marino is now the only one remaining: to the destruction of Lucca and Ragusa, we have with the Holy Alliance given our fiat; but as to thee, oh! VENICE! who can read thy ancient story without being wrapt in admiration? who can contemplate thy fate without dismay? A revolution had, it is true,

set aside her democracy by general consent, to bring to an end the dreadful conflicts of popular parties, and had instituted a republic of the higher classes. The subsequent attempts made by other powers to overturn that government, had also caused them to adopt an unjustifiable rigour of inquisition on what related to their internal polity; but still what men those nobles were! The independence of Venice was maintained for nearly twice the number of years [65] that any other government has existed. For seven centuries, her city was the most efficiently powerful state existing,—the greatest emporium of commerce ever known,—the seat and patroness of letters and of the arts; whilst other nations were enveloped in darkness and ignorance.—This was the country of the most valorous, patriotic, and devoted heroes that are on record.—She at once withstood and successfully repelled England, France, Germany, and the Pope, united in arms against her.[66] Without the aid of Venice (and I should add of some of the Popes) one half of Europe would probably have been conquered by the Turk; and now perhaps under a constitution *essentially Mahometan*, those who possess the disposition to steady conformity with the religion of the state (which is made the requisite to be a good subject) might, instead of quarrelling with us about our respective Christian creeds, be making the deep *Salam*, and, with as much ease as some of our modern travellers, accompanying it with the *Allah! illa! Allah!* which marks the profession of faith of the Moslem.* Venice, true to her faith, and exact in its exercise, always resisted the encroachments of the Popes, and all interference of the spiritual authority in whatever related to temporals,—of which the notable instance of the unanimous, uncompromising, and successful resistance made by the republic, in unison with its prelates and clergy, to the attempt of Paul V. to use the spiritual authority for

(65) From 452 to 1800—1348 years.

(66) League of Cambray, A. 1508.

* "There is no God but God, and Mahomet is his prophet."

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temporal and political objects, deserves to be particularly and highly recorded.(67) Her clergy, having 37 Bishops, Archbishops, and Patriarchs, at their head, were magnificently supported, but were excluded by law from all civil offices of the state, nor were they permitted to molest others on account of difference in religious tenets; "not only (says Daru, in his history of Venice (68)) those who professed the Greek religion preserved the exercise of their religion, and their Bishops and priests, but Protestants, Armenians, Mahometans, Jews, and those of every religion or sect resident in Venice, had their places of worship there, and the rites of burial within the churches was not refused to heretics:"* nor does it appear that the nations of various persuasions in different countries under her dominion, were either disturbed or excluded from employment on account of their religious opinions.—Yet Venice fell, and that without resistance or even a single blow: her commerce took another direction, and its channels were dried up, but she had not united the strength, interests, and feelings of her population, into one common cause.

(67) A. 1605. Univ. History, vol. xxiv, p. 320; and Daru, vol. v., page 05.

(68) Daru., book xxvii.

And what was thy rival GENOA, who would still be free, if we had not aided in preventing it.† She remained a republic in the hands of the whole people. At one time indeed she might have lost her liberty through the means of the democracy and the popularity of one of her citizens, as had befallen other republics in Italy, and even Rome itself; but she met with a Doria to refuse the sovereignty, and to use his power to strengthen her liberties, instead of rising to greatness on their ruin.

* At Rome, where we might suppose the Jews as little admissible as in any place, there has at all times been a part of the city, in which, though under some distinctions of dress, they have lived in peace and security and enjoyed the exercise of their religion, even when in this and most countries in Europe they were subjected to the greatest cruelties and persecution.

† The Genoese accuse us of a breach of faith, in the destruction of their liberties and delivering them over to the absolute power of the King of Sardinia, notwithstanding the remonstrance of the excellent person to whom the city surrendered.

But where, except in Washington and Bolivar, shall we meet with such examples of patriotic forbearance.

THE KINGDOM OF POLAND [69] was elective, and approached nearly to a republic; consisting of a King, the Magnates or Senate, and general conventions or Diets. The *Pacta Conventa*, to preserve the laws and liberties of the country, were sworn to by the King, and grievances were redressed, before he was placed on the throne; and in case of the violation of those laws and liberties, the subject was discharged from his allegiance. This country gave such early and honourable proofs of its attachment to religious as well as civil liberty, as become worthy of the Hierarchy and Protestant aristocracy of England.

(69) General Atlas, & Geog. Hist., p. 172.

At a Diet held at Wilna,[70] in the reign of SIGISMUND AUGUSTUS II., the last King of the race of Iagellon, it was unanimously passed into law, that "henceforward, not only the Gentry and Magnates who adhere to the Catholic church, but in general all, be they who they will, so they be but Christians, shall throughout the Kingdom enjoy, and for ever retain, all the privileges, rights, and liberties belonging to the nobles; in like manner not only those who adhere to the Church of Rome, but all others of the rank of knights shall be eligible to the *senatorial and royal dignity*, if they be but Christians,—no individual, so he be a Christian, shall be excluded." It is to be remarked, that in a Polish Diet a single negative prevented the passing of a law, and all the Catholic Bishops were Magnates or Peers. This regulation was again most solemnly confirmed in the Diet held in 1568, at Grodno; and to make the law more explicit, the King added these words, "of whatever sect or religious profession he may be."—In the united Diet held in 1569, in Lublin, this ordinance which combined all the Poles of the Christian religion into one family, was renewed and confirmed.

(70) Klaproth's Poland, and Modern Univ. Hist., v. xxx.

After the decease of Sigismund II., without issue, all

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the Poles assembled in the Diet held in 1573, for the election of a new sovereign, protested that they would not chuse any man for King who would not swear to the inviolable observance of the above named convention. HENRY DE VALOIS, afterwards King of France, accordingly took the oath that he would maintain the rights of the Dissidents, which remained part of the coronation oath;[71] and STEPHEN BATHORI, the next elected King, who was remarkable both for wisdom and valour, used to say, when urged to intolerance, that "he was King of men, not of consciences; commander of bodies, and not of souls;" and to do Luther justice, he also writes, in his book on civil magistrates, that "the law of them extends no farther than body and goods, for over conscience God alone ruleth."[72] JOHN SOBIESKI, the great Christian hero of his age, in a treaty of cession of territory to the Cossacks, who were of the Greek religion, made it a condition that Mahometans, as well as Catholics, should enjoy the free exercise of their religion, within the territory he gave up.

(71) See Atlas, page 1721.

(72) Modern Univ History, vol. xxxi. A. 1676.

The flagitious partition of that ill-fated country, furnishes proofs, if such were wanting, of the little weight which the principles of any religion, or indeed those of common honesty, have when ambition and political interest are in the opposite scale. Here we have Catholic Austria, Protestant Prussia, and Russia, professing the Greek religion, all joining, without any plea whatever, and in defiance of the admitted rights and independence of another nation, to plunder Poland of its finest Provinces, and impose on its subjects absolute subjection instead of the free institutions which they enjoyed; whilst Catholic France and Protestant England are supine lookers on. It may be right not to interfere in what relates to the internal concerns of another nation, but this is a case of the rescue of one country from the oppression of many, and in such a spoliation, there is very little doubt of interference being a duty. When, again, near

thirty years later, the complete subjugation of Poland was effected, notwithstanding the patriotic exertions of its King, the heroism of Koziusko, Poniatowsky, and of the chiefs of the nation, the devoted valour of the whole country, and the profuse shedding of its best blood in its defence, we again remained supine witnesses of the nefarious usurpation. It has often been our boast that we are the protectors of civil liberty abroad, as well as the maintainers of religious liberty at home: I think I have thrown some objections against the last claim; let us now further examine those high pretensions to the former, by the test of our own conduct in other occurences of our own times. It unfortunately turns out that we have been active in our interference for the purpose of putting down liberty, whilst we have been passive and supine when any thing was to be done in its favour. In the first instance, contrary to the admitted principle of our constitution *that there should be no taxation without representation*, we, for the paltry consideration of perhaps less than £50,000 per annum, carried our arms into the colonies which we should have cherished.* The great mass of the nation supported the selfish act, and reviled the genuine friends of freedom who opposed themselves to

* Such is the blind course of oppression, (and the disposition to it is not easily eradicated,) that it cannot bring itself to give way, even where the soundest policy and the most pressing exigencies require it, nor until it is too late for it to be of use; and then it is always doing things by halves. Thus with America, we were always a year in arrear; what at first would have been most gratefully accepted as a boon, was afterwards rejected with scorn.—Franklin and Washington were at one time friends to the connexion, then to conciliation, but at length were driven to be enemies. This penny-worth to be got, tempted John Bull; then he became irritated by a few uncivil words, and the tarring and feathering two or three excisemen; and we lost America. But governments, like individuals, seldom grow wiser by experience. Heaven forfend it may not be so with Ireland.—The riches of the church, had it supported the Catholics in their civil rights, would have been cheerfully acquiesced in;—the conviction of enmity makes the next step a wish to pull it down.—The disposition to unite cordially with England hand in hand, by the course of continued disappointment changes to the desire of separation and that leads to a disposition to insurrection and rebellion; checked only by danger and prudence, and thus step by step your friends become enemies.

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those unprincipled proceedings, which have occasioned infinite loss in blood and treasure, most ruinous consequences, and which are truly menacing to futurity.—When the dire effects of the contest began to be felt in our pockets, the body of the country indeed began to take the other side; but as soon as the friends of liberty had extricated us from immediate pressure and difficulty, the country again took to the support of the very men who had been the cause of the mischief, and not only passed over the delinquency of those who should still be doing penance in sackcloth and ashes, but established them in the full possession of the power and honours of the country, and have ever since maintained them and the successors to their principles in the government of the realm.—A false conscience is made up by the selfish politician, his errors and his votes though destructive of the interests of his country pass unrepented as well as unpunished, he is seldom even permanently blamed, and he perseveres in the support of misrule, heedless of the mischief he entails on the nation and the unhappiness he causes to individuals. There is one consoling feeling to us Catholics, that in the mismanagement of our affairs, and the consequent distress that has fallen on the country, we have had no concern and have nothing to answer for.

With respect to the French revolution, had we not been the heart and soul of the interference in her internal concerns, it is probable that that nation would never have been driven to those tremendous excesses at home, and destructive re-action abroad, which in the issue converted an unjust offensive war to a necessary defensive contest for our own existence. It was pretended that this war was necessary to prevent internal revolution; but how thoroughly was this disproved when almost all the members who opposed it lost their seats in Parliament, and all others were hooted down. Yet after the loss of five hundred millions, in a contest from which we only

escaped by the folly of our enemy, the whole country continued to support the very principles which involved us in difficulty. To our *active* exertions against liberty, the surrender of the REPUBLIC OF GENOA to the arbitrary sway of the King of Sardinia is in a great degree to be attributed.—In the same manner we joined in the annihilation of the REPUBLIC OF LUCCA, and in that of RAGUSA, of which even the Turk had protected the liberties, to give them to the uncontrouled power of Austria.—Again when the gallant PRINCE OF DENMARK and the inhabitants of Norway opposed themselves to their being made over to Sweden, the power that had always been their greatest enemy, our navy was employed to starve them into the surrender of their independence. We were passive when France went forth to put down the liberties of Spain, and surrender them into the hands of the most ungrateful as well as the most despotic man alive. We ought certainly to have prevented the interference of France; instead of which we made laws to prevent our officers from joining in the defence of those who had so lately been their companions in arms.—We are passive again when the rescue of Greece from the most dire oppression is in question, and when it might be effected by a few ships. In these last instances, I fear, however, I may be unjust, as from what we have seen done these last four years, we need not doubt the good will, had our circumstances allowed us the means. We were, before this, passive at Naples, in allowing Austria to depress that country as she chose, and prevent her from obtaining a constitution.—In fine, till lately, when a better era seems to dawn under men of truly English feeling and policy, we have used the plea of not interfering when the cause of liberty has been at stake, and broken through it when the object was to depress it; and we have thus effectually paralyzed our means of supporting it, by our exertions against it.—

To resume:—

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THE KINGDOM OF HUNGARY was likewise elective and enjoyed a constitution of King, Lords or Magnates, and Commons or Diets, which it still retains;* and by a fundamental law, proposed and enacted by Andrew II.[72] a provision was made for waging war legally on any King who should attempt the subversion of national liberty.

(72) See Collier's Diction. voce And. II.

Hungary contains a population of nearly ten millions: the majority of the nation are Catholics, but there are great numbers of the Greek religion separated from that of Rome, many Calvinists, and many Lutherans. The country was long a scene of commotion, in which religious opinions bore a great part; this had, however, ceased for a long period, and peace and liberality among the various persuasions had been established, and Maria Theresa had from it reaped the benefit of the saving support of ths whole nation. It was, however, in 1791,[73] thought right to secure religious liberty by more positive laws, and the whole legislature assembled in convocation or diet, at that time exclusively Catholic, established as a fundamental law, that the Protestants of both confessions should depend upon their spiritual superiors alone, in all matters relating to religion; that they should retain their schools, and no longer pay church dues to the Catholic parish priests or schoolmasters, nor be bound to assist in building or repairing Catholic churches, or parsonage houses, or schools, either in money, production, or labour. That all foundations made by Protestants, or that should be made by them, are left to their

(73) See decree

* There were in Poland two Archbishops and fifteen Bishops; in Hungary two Archbishops and sixteen Bishops, beside great Abbies, of which the heads had seats among the Magnates in their Senates, and the Church possessed in both countries very extensive landed property and great revenues, and consequent influence. It is impossible not to conclude that those Prelates did not exert any influence unfavourable to religious liberty.—Laws passed which established it in the two countries: in Poland, indeed, a single voice was a sufficient negative to a law: there, consequently, the Clergy must have been parties to the liberal concessions that were made. Both in Poland and Hungary the lowest class of the people did not partake of the same freedom.

own exclusive administration, and any foundation that had been taken from them should be restored.—All affairs of marriage are left to their own consistories; and all landlords and masters of families, are ordered, under penalty of public prosecution, not to prevent their subjects or servants, whether they be Catholic or Protestant, from the observance of the festivals and ceremonies of their religion. All oaths to which Protestants objected, were set aside; and it was enacted, "That the public offices and honours, high or low, great or small, shall be given to natural born Hungarians who deserve well of their country, and possess the other qualifications, let their religion be what it may."—The effect of this was, that when Bonaparte was at one time at the gates of Vienna, and at another time in possession of it, the Hungarian nation which had often before been in rebellion, rose twice in a mass and saved the Austrian monarchy.

We turn to unfortunate SPAIN,[74] which after an ill-conducted struggle to recover her ancient liberties, is now a prey to unbounded despotism.

(74) See an excellent dissertation on the causes of their failure in Lord Porchester's Moor.

The reader will recollect, that on the ruins of the Roman Empire, the Visigoths[75] established there an elective monarchy, in which the power of the King was greatly circumscribed. During their dominion, which lasted more than 250 years, "the country was excellently improved,[76] full of cities, boroughs, and villages, and adorned with fine structures, some of which are not wholly decayed." But the nation had by luxury lost its energy and warlike spirit, when under the reign of Roderick, the Saracens invited by Count Julian, his governor of Ceuta, in revenge for a private injury, invaded the country. The battle of Xeres,[77] at once terminated the kingdom of the Goths. The Moors, following up their victory, conquered nearly the whole of the kingdom: many cruelties were no doubt the consequence, but they did not adhere to their former system of conversion by the sword, having allowed those who submitted, to pre-

(75) A. 466.

(76) Modern Univ. Hist., v. xvi, & xvii.

(77) A. 712.

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serve their property, and enjoy the free exercise of their religion; though they were excluded from all situations of trust and profit in the state. So far the Spaniard, under the Moor, nearly resembled the situation of English Catholics at present; but he was infinitely better conditioned than we were, before relief was granted to us in 1778 by his late Majesty; as at that time the laws neither allowed the free exercise of our religion, nor such rights of transfer and inheritance of property as were secured to others. In the state of things in Spain above described, although these Moors were and continued to be a very fine race of men, far superior to any other Musselmen, yet they alone constituted a distinct and exclusive class of masters. Their religion, manners, and customs, prevented them from becoming in any degree blended with the original population; so much so, that the conquerors, after nearly eight hundred years of possession, were quite as distinct from the conquered as on the first day of their landing in the country.

(78) Modern Univ. History

To resume: after the loss of the battle of Xeres and during the progress of the conquest of their country,(78) "those who preferred liberty and the unrestrained exercise of their religion to the precarious possession of their properties of every kind," fled into the mountains of the Asturias, Biscay, and Burgos, and elected for their prince, according to their ancient constitution, Don Pelayo,(79) a person distinguished by birth, courage, and capacity. A numerous population, compressed within very narrow limits, succeeded in resisting all attacks, and, gradually expanding, burst again into their country, till with unexampled valour and perseverance during nearly 800 years, with little more than temporary truces, and after fighting 3700 battles, they re-conquered their country, inch by inch, and never for an instant losing sight of their wrongs and vindictive feelings, finished by closing up their opponents within the narrow circle of the city of Grenada, and then forced them to capitulate.(80) Nor were the minds of the Spaniards ever at rest, or their

(79) A. 718.

(80) A. 1497.

resentment abated, until, after various insurrections, (mainly caused by cruelty and injustice,) they had compelled every Moor, and the Jews who had been their abettors, to quit the country.

During the long period above recorded, the Christian power(81) became subdivided into various kingdoms:—Leon, Castille, Catalonia and Arragon, Navarre and Portugal. In every one of these they generally elected their Monarchs, and at all times enjoyed a constitution under the name of States or Cortes, very much like our own, excepting that the royal authority, reduced almost to a shadow, had not sufficient power to do good and preserve the tranquillity of the country against the feuds between the Nobility and Commons, or to make the throne respectable.—In the constitution of CASTILLE, there was a provision made for dethroning the King, if he abused his power; under which they did dethrone Henry IV.(82) Their Cortes consisted of the Nobles and Prelates united, and of the Representatives of the great cities; and questions were decided by majority. No money was ever granted before grievances were redressed.—In ARRAGON, the kingly power was at a still lower ebb: their genius and maxims were nearly republican. They alleged that their country was so barren, that if it were not for liberty it would not be worth living in. At one time CATALONIA, which was annexed to it, recalled its allegiance to John II., and endeavoured to establish a republican form of government. In passing a law, unanimity was required: the King had no right to dissolve or prorogue the Cortes without their consent.—After the death of John I., a regency was formed, of equal numbers of Nobles and Deputies of the cities, with the same rank and power. The King had no right to declare war or make peace. The Cortes also appointed an officer called the *Justiza*,* whose province it was to

(81) See Robertson's Chas. V., vol. I., page 11.

(82) 1465.

* "None of the *Ricos Hombres*, or Noblemen of the first order, could be appointed Justiza, he was taken out of the second class or *Caballeros*, who answer nearly to gentlemen or Commoners in England." See Robertson, ch. v. vol. 1, page 340.

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be the guardian of the people and controuler of the Prince, and an appeal was made to him from the royal judges. On the election of a king, he was appointed to take the oath of allegiance for the Barons, in terms which convey a good idea of the principle of the government: *We, who are each of us as good, and altogether more powerful than you, promise obedience to your Government if you maintain our rights, if not, No!*—These two kingdoms were united under Ferdinand of Arragon, and Isabella, the chosen Queen of Castille, who were the final conquerors of the Moors; they also reduced Navarre to their obedience. Under Cardinal Ximenes, their able minister, the power of the commons was much increased at the expense of the nobles; but the subsequent disputes and warfare between those two orders, finished by throwing the whole power into the hands of the crown.(83)

(83) Under Philip II.

The Inquisition, however detestable in principle and practice, was not founded in Spain for the purpose of enforcing uniformity of belief in the doctrines of Christianity. In its origin, as well as in later times, politics had a much greater share in it than any religious object. It was the result of unquenchable hatred, amounting to execration, arising from the warfare, cruelties, and mutual injuries and wrongs during a contest of nearly eight centuries: the concentrated vengeance of the conquered Christian on the Moorish conqueror, a degree of hatred scarcely to be understood by more northern nations, at once national, personal, and religious. Judging from history, the real object of the Spaniards seems to have been to expel, at any rate, every Moor, and every Jew whom they considered as their allies and abettors; and when this was frustrated, by the occasional conformity of either, it would almost appear that it was a disappointment, and that both clergy and laity sought every opportunity to make them out insincere, and to expel and punish them. No doubt there were many good men who

had more Christian-like feelings and sounder ideas of policy, but such, I fear, was the general impulse. The Inquisition was, however, at first resisted by the Arragonese,(84) "they took up arms against the Inquisitors, murdered the Chief Inquisitor, and long opposed the establishment of that tribunal," not on account of any mercy either to Moor or Jew, "but because the mode of trial was inconsistent with liberty, the criminal was not confronted with the witnesses, he was not made acquainted with what they deposed against him, he was subjected to torture, against law, and the goods of persons condemned were confiscated." This tribunal once established, was, of course, easily perverted to any kind of persecution; it had however fallen into disuse, and both the late and present Pope refused their sanction to its re-establishment.

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(84) A. 1185. Robertson, vol. i., p. 317. from Zurita's Annals.

PORTUGAL.—ALONZO, the first King of Portugal,(85) in 1139, freed the Kingdom from the Moors, by the battle won in the plains of Ourique, and the government became a limited monarchy. In 1385, the states-general elected JOHN I., out of three candidates for the throne, and the restrictions on the regal power were more precisely laid down. The King signed and observed every condition in favour of the subject, excepting that which limited him in the choice of a wife, which he persuaded them to leave to him; and during the subsequent reigns many meetings of the states general were convened.

(85) Modern Univ. History, vol. xviii.

THE HOUSE OF BRAGANZA owed its throne to the in- A. D. 1640
[illegible] spirit of the nation, and now a beneficent [illegible] quits the debt of his family by restoring her [illegible] and proclaiming liberty of conscience. No doubt the [illegible] of the cause of civil and religious liberty [illegible] as in South America, is greatly owing to [illegible] support which it has received from the [illegible] spirit and feelings which now guide our counsels in our [illegible] relations. This shows what happiness [illegible] our helm, with our resources unchecked,

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might have conferred on the rest of the world. But are we to support civil and religious freedom abroad, and maintain a persecuting system at home?

THE NETHERLANDS had originally been composed of seventeen distinct feudatory principalities,* most of which were eventually united under the dominion of PHILIP THE GOOD, Duke of Burgundy. By the marriage of Mary, his granddaughter, with the Emperor Maximilian,(86) they devolved on the House of Austria. All these provinces, says Puffendorf, "had been accustomed to a rule with mildness," they enjoyed "many great privlleges, in the maintaining of which they were always very forward. The Estates, which consisted of the Clergy, Nobility, and Citizens, were always in great authority, and would not easily suffer that any new impositions should be laid upon the people without their consent."—"CHARLES V. bore an extraordinary affection to them, and they to him."—"The custom of the Netherlands," (87) says another author, "is that they never acknowledge nor will install any of their superior Lords and Princes, before he personally sweareth to hold and maintaine all their priviledges; and upon that condition they accept him, and sweare to be true, faithfull, and obedient unto him, and so receive him into their townes and provinces joyfully, and that with great triumph."† Charles V.(88) had indeed attempted to unite all the provinces under one code of laws, but they resisted, and he did not persist;(89) he had also attempted religious persecution, and the introduction of the inquisition, but he

(86) A. 1477. Puffendorf. Introduction to History, page 216.

(87) Grimston's Netherlands, to A. 1608, page 222.

(88) 1559. Ibid, page 223.

(89) page 179.

* The Dukedoms of Brabant, Limburgh, Luxemburgh, and Guelderland, the Earldoms of Flanders, Artois, Hainault, Holland, Zealand, Namur, and Zutphen, the Lordships of Friesland, Mechlin, Utrecht, Overyssel, and Groningen and the Marquisate of Antwerp.

† This was called the *Joyeuse Entree*, the Empress Maria Theresa took this oath; Joseph the Second did not, and this, with an attempt to overthrow the privileges and exercise of her arbitrary acts in that part of the Low Countries which remained to Austria, produced an insurrection, and so alienated the minds of the nation, as to make it an easy prey to the French under Dumourier.

forebore on the remonstrance of his sister Mary, Dowager Queen of Hungary, Governante of the Netherlands, who rode to Augsburg to meet him, and "invited him into the Low Countries, to behold with his own eyes how persecution begat heresy."(90) In his speech to his son Philip, on resigning to him the government of the Low Countries, he exhorts him to "love and honour them," and warns him, that "if he treats them otherwise they will be the cause and ruine of his estate."(91) But PHILIP II. acted towards them,(92) "in every step of his conduct, the part of a supercilious haughty Spaniard."—A dispersed Empire, at the same time that it is weak against an external foe, affords formidable means to the sovereign against the liberties of every part of it. Soldiers who would not assist in subjugation at home, are ready to oppress their fellow-subjects at a distance. This Roman policy has ever been adopted, when encroachment and injustice have been resolved on. Philip, by the possession of the wealth of the Indies, with dominions in every part of Europe, was, by his ambition of general monarchy, the depth of his councils, and his want of all principle and good feeling, a most formidable enemy at every man's door: but he was not less so to his own subjects. His Italian soldiers were taken to Spain, his Spaniards to the Netherlands, and his Flemish subjects exhausted in his wars with France, &c. Thus America was intended to be subdued by English and Irish soldiers, Ireland is controuled by England, and Charles I. attempted to support his arbitrary views by the means of Scotch and Irish soldiers.

(90) Grotius Annals, lib. 1.

(91) Grimston, page 191.

(92) Puffendorf, p. 217.

Historians have written that Philip, (as well as Charles V., and Cardinal Pole,) had shown himself averse to the persecutions of Mary,(93) but his subsequent conduct must leave great doubt of his sincerity. No one is utterly bad at the very first; he certainly had the best possible disposition to tyranny of every description; the conduct of his wife, her father,(94) brother, and

(93) See Hume, Mary, vol. 3.

(94) Hen. VIII, Edward VI, Mary, and Elizabeth.

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sister,* afforded him many lessons and examples of the carelessness in shedding innocent blood in persecution for opinions, and in the art of perverting free institutions to the worst of tyranny; with the proof of the ready acquiescence of a whole nation to it This could not fail to have effect on such a disposition.—It was not, however, till ten years after the death of Mary, that Philip sent the Duke of Alva with an army of his veteran troops to suppress the liberties of the Netherlands and enforce religious persecution.†(95)

(95) 1567.

Philip was driven to this ultimate tyrannical resource by the steady resistance of all his subjects of the Low Countries, whether Catholic or Protestant, to his attempts on their liberties, both civil and religious. I will refer the reader to the sole testimony of Protestant historians,(96) whether, in this long and glorious struggle, there is any reason for the Protestant to assume to himself any superior claim to merit in the genuine support of either civil or religious liberty? The reader, on a retrospect of a few years previous to the arrival of Alva, will find, that notwithstanding some outrages that had been committed by Protestants, to which provocation had no doubt been given, the Catholic led by the Earls

(96) See Watson, 1765; vol. I., p. 275, 263

* There were fortunately only two generations of Tudors, after that family had ascended the throne of England, and Philip had only two sons; one he put to death, the other was nearly an idiot; it has been deemed providential that animals of prey are seldom prolific.

† The Netherlands were nearly the finest inheritance that man ever entered upon. The whole country in "a most flourishing condition, above 350 cities enclosed by walls, and 6300 towns, all considerably wealthy and commercial; the number of inhabitants was prodigious for the extent of the country. The Flemings were remarkable for their skill in navigation, their assiduity in commerce, and valour in war. Under the mild government of the House of Burgundy, they became excellent artizans, and rich merchants; during the warlike reign of Chas. they were made soldiers, and improved those military talents they had already exercised. And all this was lost by oppression, not only the advantages that might have been derived from possession, but the whole of the wealth of America sunk in the pursuit. Oh! if experience ever made countries or individuals wiser, what benefit might be derived from such examples. But that seldom happens: A Machiavel would say, that in politics, the evil spirit always has the best of it.

Mod. History, v. xxvii. p. 371

of Egmont, the two Montmorencies, Hoorn, and his brother Montigny, the Marquis of Mons, with the Prince of Orange, (who at that time was also a Catholic), all of them Governors of Provinces, and men of the greatest ability and worth, particularly Egmont, who had vanquished the French in the battles of St. Quintin and Gravelines, and was the most respected and the most popular man in the whole Netherlands; besides the great mass of the nobility and commonalty of the whole country, supported and protected the freedom of the Protestants as well as their own. This support of the civil and religious liberty of their country, Egmont and Hoorn (97) sealed with their blood on the scaffold, the Marquis of Mons having died during his mission to remonstrate with Philip, and Montigny having also expiated the same crime at Madrid, by the administration of poison.

(97) See Watson, vol. I., p. 293, 317.

The whole population, wherever they were not under the immediate pressure of the bloody hand of Alva,*

* The conduct of the *Duke of Alva*, bigoted and ultra-Catholic as he was, strongly exemplifies the difference between civil allegiance and the authority given to the Pope in spiritual matters.—When in the year 1527, the Emperor Charles V. waged war with *Pope Clement VII.* Rome was sacked, and the Pope himself taken prisoner, and confined in the Castle of St. Angelo. On receiving this intelligence, Charles V., then at Madrid, called what was styled a *Council of Conscience*; to which the most learned theologians of the country were summoned, to deliberate whether the Pope should be set at liberty *or not?* many were of opinion that his detention would forfeit the reputation for piety and zeal for the Catholic religion, in which their Sovereign was held by the public. They argued that the Emperor's power was sufficiently great to reduce the Pope and his allies to a proper line of conduct, and urged that he had been already sufficiently punished.—When the Duke of Alva arose, he spoke as follows, and his opinion was eventually agreed to. "It would have been very desirable (said he) that the Pope had never fallen into the disgracing situation in which he is now placed; but the mischief is done, Rome has been sacked, Clement is a prisoner, and the blood of a great number of soldiers and citizens has been spilled;—a remedy for these evils is sought, but what is it? Some say that religion requires that the Emperor should restore him to liberty. I also should be of that opinion, if he were not a secular Prince, and had he not raised an army against his Imperial Majesty, and entered into league with several Princes of Europe against him; and had he not also deceived him on several occasions. We have been the dupes of Francis I., and if we now are the dupes of the Pope, we shall become the

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joined the common cause under the Prince of Orange, though he had become a Protestant, on an assurance of the maintenance of liberty of conscience;—during this contest, the Catholics had often nearly as much to suffer from the outrages of the Protestant mercenary soldiers levied in Germany, with whom they were fighting in one common cause, as from the cruelties of the enemy.(98) The reader will also see that after many years of joint effort, the maritime provinces, which possessed more local advantages for defence, did, in hatred to the Spaniard, conduct themselves with the greatest cruelty towards those who had thus fought with them in the field and bled for their civil and religious liberties on the scaffold; and that they proscribed, by the union of Utrecht, the Catholics from the exercise of their religion, and finally compelled them to separate their cause.(99) And then,

(98) For instances, see Watson, vol. II., pages 23, 29, 51, 52, 57, 58, 240, 246, 247, 279.

(99) 1579; Ibid, p. 275, 279, &c.

laughing stock of the whole world;—as the arrow is sped, would it be useful to draw its head, without healing the wound? If the King of France failed in his word and promise, notwithstanding your precautions, are we to set the Pope at liberty without taking others of a stronger nature? the more closely he is confined in the castle of St. Angelo, the stronger the lesson of wisdom will be to him. We must listen to such proposals as shall be made to restore him to liberty, and put affairs into such a condition as shall procure a secure and permanent peace to Europe." See the History of Germany in French, by Father Barre, Canon of the Church of St. Genevieve, and Chancellor of the University of Paris.—Vol. III., page 206.—Another anecdote in Ferrera's History of Spain, vol. VIII., page 119, on something like this subject, may also with propriety find its place here. In 1491, just before the surrender of Grenada by the last King of the Moors, to Ferdinand the Catholic, and Queen Isabella, they were informed that the President, Counsellors, and Court of Chancery, at Valladolid, had allowed an appeal in a cause of a nature in some degree civil, to be made to the Pope. They immediately displaced the President and the Counsellors in Chancery who had suffered the appeal to be made, to mark their disapprobation of this conduct, and prevent similar attempts in future. Yet they were the Sovereigns who introduced the Inquisition into Spain.—The first war that Philip II. engaged in, was with the Pope: in this he was sanctioned by the formal opinions of the divines of Spain, and of the Low Countries, which he, without any necessity, thought proper to take.——Our ancient statutes of provisors, in the reigns of Edward I. and Edward III., show that the rights of Sovereignty in temporal matters were duly enforced here in Catholic times; and the Reports from the Select Committee of the House of Commons, on the regulations of foreign States in Ecclesiastical matters, and their intercourse with the See of Rome, will show, that all danger of encroachments from spiritual authority are carefully guarded against.—See Reports, June, 1816.

within a few years, after having obtained quiet possession of their own rights, commenced a most severe persecution against another class of Protestants, the Arminians, little differing from them in their tenets; and brought to the scaffold, at the age of 72 years,[100] John Olden Barnaveldt, one of the most celebrated statesmen and truest patriots that any country ever has produced, and who had devoted every action, every thought during his long life, to the welfare of the republic. At the same time, they condemned to perpetual imprisonment, Hugo Grotius,[101] the most learned and patriotic philosopher who flourished in that century; and to our shame, be it added, that James the First and his Cabinet were the zealous promoters and abettors of these unprincipled persecutions.—See Grimstone, page 1383, &c.; Letters of James I. to the States, &c.

(100) May, 1619; See Grimstone, page 1383.

(101) Grimstone, p. 1107.

France, during the first and second races of its kings, was a limited monarchy.—Charlemagne held several assemblies of the States-general; the power of the sovereigns was also restricted in the beginning of the third dynasty. In 1320, Philip the Long, summoned his parliament, consisting of the prelates, barons, and good towns of our realm," to meet him at Narbonne, for the redress of grievances. Louis XII. convened the States-general to take into consideration the treaty of Blois, and they were occasionally held till the year 1614. The great principalities which had been feudatory to France, and which were successively annexed to it, had also their respective Parliaments or States. Those of Languedoc, Dauphiny, Brittany, Burgundy, and, I believe, Provence, continued to be held to the time of the Revolution; they consisted of Deputies of the Clergy, Nobles, and Third Estate; I have been at those of Burgundy, which were convened every third year, at Dijon, under the Presidency of the Prince of Condé, and were attended by the whole country, and carried on with great magnificence. Although the principle of freedom

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existed in these institutions, their constitution was defective in the means of enforcing the holding of their States.—It is well known how loudly the re-establishment was called for in 1789, and what consequences, good and bad, ensued. Religious liberty has become the fundamental law of the realm, and the salaries of the ministers of the Catholic and Protestant religions are provided for by the State; with this difference, that one third more is paid to the Protestant than to the Catholic, on the supposition that he may have a wife and family to support.* I understand that the government has appointed those of both religions very indiscriminately to the offices of the state, and when I was in Paris, in 1822, it was very difficult to obtain information as to who was Catholic or who was Protestant in the Chambers of Deputies, Senate, or Offices. There are a great many Protestants in the South of France; and it will be recollected that, in the year 1815, a report was spread, which proved false, that the Protestants were suffering some persecution: the outcry ran from one end of this country to the other, every paper was filled with indignation and abuse; whilst if any one of us, irritated by being trodden upon, breaks into an angry or intemperate expression, the whole Catholic body is called to account, and is to suffer for it. How exquisitely sensitive to the slightest touch or breath of air that might affect the Protestant, but what stern and stoical fortitude in bearing the sufferings of the Catholic, nay, more, I have seen on the occasions of those rejections of our claims and new riveting of our fetters, which have harrowed up our souls to misery, instances, in some of our comfortable oppressors, of that kind of malicious exultation which gives one a tolerable idea of the enjoyments of a Grand Inquisitor.

* I am informed that the Minister of the Church of England, resident at Calais, receives a salary from the French Government for performing service there.

AMERICA, from the rapid progress she is making, her extent, her expansive means for population, with unbroken increasing resources, will probably in future times, perhaps not very far distant, become the most powerful continent of the world :—she has triumphantly raised the banner of civil and religious liberty from her northern to her southern extremity. What has already been done, proves what liberty can do, and to what it can raise a country: was it not a few years ago a nonentity in the scale of nations? But let it not be forgotten, that in the Catholic Province of Maryland, liberty of conscience was first proclaimed to be a civil right, and that the professors of all religions were there admitted to every privilege of citizens.

In contemplating the great political events that have taken place during my life, and, judging by later transactions, I cannot help indulging with regret in the reflection, that had it been the good fortune of England to have its external relations conducted in the true English spirit of the distinguished person now at their head, no division of Poland would ever have taken place, and we should have had no American and possibly no French war: and what *then* would the resources of England be?

I shall conclude this part of my subject, by briefly recapitulating, that we see in Spain, at all times Catholic, the nation enjoying for upwards of three centuries, a limited monarchy, and exceedingly jealous of her liberties and privileges, and then, for nearly as long a period, she submits to absolute power: is not this as strong a proof, as that two and two make four, that religious tenets have nothing to do with political events? Again, we have the Catholic Cantons of Switzerland, for upwards of 500 years, strictly democratic in their government; Venice, for more than 700, as positively under an aristocracy, and the territory of the Kingdom

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of Naples for an equal time under arbitrary sway; all precisely professing the same religious tenets: does not this demonstrate, mathematically, what the venerable Prelates of Ireland have stated; "*That the Catholic religion, far from interfering with the constituted authorities of any State, is reconcileable with every regular form which human Governments may assume.*"

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Religious Liberty is a Civil Right.

I HOPE, that in the preceding part of this discussion, I have adduced sufficient historical proof, not only that the Roman Catholic religion is not hostile to civil liberty, but that there is no country in Europe which does not owe whatever it possesses of free laws and institutions, to the times when that religion was generally prevalent; and that on the whole the Continent was more free than it has been since the Reformation.—I am sorry to say that the right to religious liberty, which stands on even stronger grounds of reason and duty, cannot be traced back so favourably: but I shall have no difficulty in proving, that it was antecedent, and is quite as flourishing in the Catholic governments, as it may be in any Protestant State whatever.

I have shown that persecution on account of opinions on religious matters, was no part of the original constitution of England, or of our common law; and that other circumstances relating to civil government first produced the unjustifiable statute which inflicted punishment for doctrines. Those statutes have since that period been multiplied to such an excess as to produce a most strange variety in intolerance not to be met with in any other country. Our discordant religious persuasions appear on the stage, alternately persecuting and persecuted.—The Government, under the influence of religious zealots, or crafty cold-hearted politicians, often lavish of blood, always careless, in this respect, of the happiness

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and peace of mind of part of its subjects, has gone on to the present times,—heedless of the disunion, discontent, and danger it occasions, in a system of opposition to that religious liberty which has restored to the continental powers peace and good-will among their subjects, and, in many instances, obtained for them the strenuous support of those who had, when the contrary system was upheld, given them the most just grounds of alarm for their internal security. By historical references, I have also shown the early adoption of the principle of religious liberty in some countries, and that it is now triumphant in both hemispheres, leaving England and old Spain as counterpoises to each other in the scales of illiberality. But even in Spain, we see the Duke of Wellington, notwithstanding the difference in his religion, and though unfortunately opposed to the liberation of his countrymen here, crowned by the Spaniard with the highest military and civil honours, a general, a grandee of the first class, a knight of the golden fleece, and possessor by grant of most extensive domains. We see Lord Beresford enjoying the same honours in Portugal; and I have heard from many of our officers, that they never met, even in their intercourse with the Priests in Spain, with any unpleasant circumstances on account of their difference in religion. I put it to every Englishman who has travelled on the continent, whether he has at Rome, or in any Catholic country, experienced from any class of the inhabitants any thing like that aversion, on account of his religion, which Catholics have so often experienced both in England and Ireland: nor do Catholics, either at home or abroad, deal in the sort of imputations against Protestants, to which we are subjected here. They do not attribute all the extravagancies of sectaries to which the separation from the Church of Rome has given rise, to the principles and tenets of the Protestant Religion; this, if they were equally unjust, they might do. Enmity and religious

hatred are certainly in theory most adverse to its true principles; but from the conduct and practice of some of its ministry here, a Turk or a Gentoo would infer, that calumny, misconstruction, and imputations, are of precept.

It is undoubtedly true, that the fatal influence of power, and the desire to preserve and monopolize it, has but too often contaminated the human mind in religious as well as in worldly matters; and that this, or mistaken zeal, have made both the clergy and the laity of all persuasions lose sight of those positive injunctions of entire charity and forbearance which are instilled into us by every page of the Christian code. Every description of Christians, if they follow the precepts they are taught, will be good themselves and just and charitable to others. Our Saviour has expressly distinguished the civil power from the duties of religion, by declaring that his Kingdom is not of this world, and by giving this distinction the force of precept, when he orders us to give to Cæsar what is his due, and to God what appertains to him. There cannot be two meanings to this text; the difference betwixt duties of conscience and those of allegiance are most marked and decided, and as distinct as earth and heaven. It may also be urged that on the basis and by the free exercise of this right, our divine religion was established and promulgated, and nations were converted: it is by this right that missionaries are now sent to distant infidel countries by Christians of every persuasion. If religious liberty is not a civil right, then were all the persecutions of the first Christians morally justifiable; and they were bad subjects and disturbers of the peace.* In fact, the Apostles themselves and

* Hume, in the argument against intolerance, which he puts into the mouths of Cardinal Pole and other Catholics, who opposed the persecution by Mary, says, "Adversaries in religion embrace easily any pretence for representing opponents as impious and profane; and if they find a colour for connecting this violence with the interests of civil government, they can no longer be restrained from giving uncontrouled scope to vengeance and resentment—but surely

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their disciples were taxed with being imperfect subjects, and St. Peter(1) exhorts them to follow their religion, and their loyalty to the state and the worldly obligations of their stations, as duties entirely distinct from each other.*--The Government of Rome had an established religion of which the very *individual Cæsar* (Tiberius) whom Christ decides to have a right to the allegiance of his disciples, was the supreme head or Pontifex Maximus. If *he* had not any right to allegiance in spirituals, by what authority, even equal, does any other sovereign now possess it? Surely no government can have more right to the controul over its subjects in spiritual matters, than Tiberius had over the Apostles or first Christians; nor were *their* obligations more extensive. Did not those first Christians distinctly owe spiritual obedience to St. Peter, the rock on which Christ declares that he builds a Church, which is to endure in the possession of truth at all times to the end of the world, and to the other Apostles, and to those whom they appointed? Observe that if the religion of the governing power is the necessary rule and duty to be adopted by the subject; then it was the duty of those Christians to conform; then were all in Constantine's reign, immediately succeeding that of Dioclesian, to become Christians without faith, or any conviction of the truth; then should there be no

(1) St. Peter, I. chap. 2.

never enterprise was more unfortunate than that of founding persecution upon policy." He notices further, that "persecution involves some apology for the ancient Pagan persecution, and for the extirpation of Christianity in China and Japan."—Vol. III., page 374—6. Bede writes, that when Ethelbert was converted by St. Augustine, no compulsion was used with his Pagan subjects.—Book I.

* When, by the divine precept, the Disciples of our Lord were enjoined to give *every due obedience* to the state, and, at the same time, were ordered *to preach doctrines which were to overturn the religion of that and of every other state*, it amounts to a mathematical demonstration and follows as a corollary, that governments have not authority given them from above to exact obedience, in matters purely religious, and that their interference by coercion is tyranny, the pettifogging distinction of giving toleration, and if you make use of it, taking from you your political rights is unworthy of every fair and thinking man.

Christians in China or Japan; then were all subjects bound to remain Catholics in the beginning of Henry the Eighth's reign, to become Church of England men in Edward the Sixth's reign, again Catholics with Mary, then successively Church of England men, Puritans, &c. Is the religion to be determined by the majority? Then ought there not to be a Christian in Turkey or in Hindostan, or a Protestant in France or Ireland, a Church of England man in Scotland, or a Presbyterian in England, and so on in other countries. The result of the inquiry will show the absurdities and false positions into which the system of compulsion in religious opinions involves any nation, or the individuals composing it, by its adoption, and that both reason, experience, and sound policy, require that religious liberty should be admitted to be a civil right. If persecution is at all lawful, then all the degrees of it must be sanctioned, the faggot, the rope, as well as minor punishments, exclusions, &c., because if a little severity will not suffice to bring subjects to their duty, more must become justifiable. Observe, that if it is admitted that our Government has this right of controul over consciences, all other Sovereigns become entitled to the same.* They are all equally in possession

* The Emperors of Austria and Russia, the Kings of France and Prussia, have as much reason as our government to punish their subjects for this supposed division of their allegiance; we should be glad to have the difference distinctly shown. Englishmen may be assured, and our Ambassadors can testify, how much this splitting of hairs is ridiculed in other countries, and how much it tells as a *travers* and deduction from their opinion of our sound sense and prudence. Those nations who are jealous or hostile to us (and this comprises nearly the whole world) rejoice in our thus paralyzing our strength and counteracting our own powers; surely it must be deemed a national folly to resist concessions which would give solidity to the State, and rescue it from all present and any apparent future danger, and, by allaying the causes of discontent, unite our whole population in one common interest and object. Our enemies alone can approve our making the sacrifice of essential benefits to those fanciful fears which have pourtrayed in the misty distance, some remote and undefined unfavourable object, or some incident utterly improbable and almost impossible, and which, if it did occur, would be of obvious and easy remedy.—This preference of the endurance of positive evils, to the fear of imaginary ones, holds, however, only where intolerance leads: let

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of that power which the Gospel declares to be from above, and to which *obedience is due.* And why, in that case, should the Sultan, the Commander of the Faithful, or the Emperors of China or Japan, be excluded? The question still remains, what obedience is due, and what is meant by allegiance? When, as Catholics, we are accused of holding divided allegiance, we may in justice claim that the precise meaning of the word *allegiance* should be strictly defined,* and that the relative duties of government and governed, in this respect, should be marked with precision. Common justice requires that the cases in which it is averred that we fail in it, by admitting the spiritual authority of the Pope, and denying the spiritual authority of the Crown, should be *distinctly proved;* that we may have that fair opportunity, which is due to all that are accused, of clearing ourselves of the charge, and of answering every particular instance; and, if required, making such declarations upon oath of our

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one class of politicians indulge only the slightest apprehension that any of our free institutions may counteract their rule or political views, and the Habeas Corpus Act and other personal securities of Englishmen are to be suspended the next moment; and happy are we, if, after much time and with much difficulty, such rulers have allowed us to get them back piecemeal, with the certainty that when they stand the least in their way, they will again try to set them aside.—As to our own Sovereign, his Majesty's proclamation to his Hanoverian subjects, and my own memory of the past, leave in my mind the well-grounded conviction that he is favourable to our cause; and every warm and grateful personal feeling which I cherish, makes me anxious that the high renown which history will stamp on the generous deed which gives peace, energy, and happiness to our sister country, and consolidates the interests of the Empire should belong to his Majesty: it would be the most heartfelt line on his tomb; and then, "let it be cut deep in the stone, that it may not be washed away by the tears" of Ireland.

Weber.

* That England, which has of all other countries held *allegiance* the cheapest, and which, contrary to the admitted rules of succession, has so often changed its dynasties, or dethroned its sovereigns, should now split hairs into the most fanciful and unintelligible refinements on the definition of the word, shows to what length the spirit of intolerance may mislead its blind votaries. Proceed only a little further, and we shall prove that this is the only country, Protestant or Catholic, which that spirit renders incapable of religious liberty; whilst, formed as our empire is, from east to west, of all the religions in the world, we ought to be, in policy as well as principle, the most liberal government existing.

principles and determination, in every such particular case as may be objected to us.* General accusations are often a subterfuge, a flimsy veil, to cover manifest injustice! If, by allegiance, it is meant that it is requisite to maintain that the power in spirituals is necessarily vested in the Sovereign, then, as I have before stated, was the allegiance of the Apostles to Cæsar, and still more so that of the primitive Christians, a divided allegiance: the same may be said respecting the allegiance of Catholics, not only to Protestant but also to Catholic sovereigns; in the same case are those who belong to the Church of Scotland, and all the inhabitants of countries under our dominion that do not belong to the Church of England; in the same case are most of the countries professing the Greek religion to their respective Sovereigns, and, I may add, all Protestant subjects who do not acknowledge their Kings to be the supreme head of their communions. By pushing this argument to its extent, it would turn out that those who profess the doctrines of the Church of England within our realm, are the only truly faithful subjects existing.† In result, I feel quite confident that no definition of allegiance will bear our adversaries out in their claims on us as subjects.—The rights of sovereignty are not unbounded, and to the claims on individuals there are corresponding duties on the part of the governments, and claims of right also on them. Government may be criminal towards its subjects, as well as they may be so in the performance of their duties; it becomes a question, which of the two has the just cause for complaint?

* We have lost so much by our refusal of oaths, that for those we do take we have a better right to be credited than any other set of men.

† May not a subject of another country adopt the religion of the Church of England, without being liable to the charge of divided allegiance for holding the King to be the head of it? Are all the subjects of the United States of America who have adhered to it untrue to their country? There never surely were arguments used of so frivolous a nature as this of divided allegiance, except the objections to Emancipation founded on the Coronation Oath.

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certainly the attempt to dive into the inmost recesses of our souls and consciences is not governing, it is tyranny. Actions alone come within its sphere, the bond between us is essentially civil. We are not (as is said of those who sell themselves to the Devil) bound to them body and soul. I have shown what persons born about the beginning of the reign of Henry VIII.(2) were liable to, if it is a real duty to conform to the religion of the State; and I leave every one to judge, whether, had they obeyed such law, their condition would not have been nearly as annoying and as tormenting both for body and soul, as if, according to the vulgar idea, they had sold themselves to that same black gentleman.—Every class of Christians may therefore consistently and without scruple maintain, that the rights of every individual to religious liberty should be unshackled by worldly power or interference.—Far be from me the thought that all religions are indifferent or equally good; I believe in my own as the only truth, I am a Catholic on the same grounds as I am a Christian; because I am convinced that the very identical doctrines were uniformly and every where in Europe, Asia, and Africa, preached by the Apostles and their disciples; and I also know from history, when and where and by whom any difference in them either originated or was attempted: but I am also persuaded that neither governments nor individuals have any right to impose civil pains or disabilities on account of doctrines purely religious. There is not in any part of the Christian code, a single text that gives authority to the hand of worldly power, for the coercion of others in matters of conscience. We have no authority to establish ourselves as *God's avengers*, for what belongs to men's minds Nature has not given us any such power of controul over another, the individual has it not over himself; he cannot believe or disbelieve as his interests or even his wishes may guide him; how absurd then that another should pretend to

(2) Page 24.

such a controul over him; that is impossible, and being so, the attempt to exercise it must be tyranny. Persecution, therefore, whether it be by infliction, by privation, or by exclusion from public benefits, is an usurpation neither authorized by God, nor by nature nor reason; and history shows us the dire effects of such attempts, and their constant failure and inutility, nor do I think it accords with the high minded character and feelings of a gentleman. But whatever may have been the merits or demerits of our forefathers, the real question is what is right, just, and expedient to be done now? For this, as far as every individual takes a share, he is answerable to his country, whose interests, on true principles and sound policy, he is bound to espouse here; and he will be judged hereafter by the Supreme Being for the part he shall have taken in them, in reference to those precepts and duties which, on examination of himself, his conscience will not fail to point out to him, through the medium of the injunction of his religion, *to do as he would be done by*. If he joins in persecution, in any shape or degree, he so far adopts the principle, and identifies himself with others, and excuses what has before been done, the only difference being in the degree.

Yes, I anxiously invite every one to try the general question in his own mind: to examine what authority he has to coerce his neighbour, more than his neighbour has to coerce him? What entitles him to establish himself judge over another's mind and conscience? What divine legation he has for it? What human power he possesses over another's mind and thoughts? What are his means of controuling them? "Force never made either a good subject or a good Christian; conscience cannot be compelled, or faith forced."—Let him examine the effects of any degree of persecution, by the impolicy and cruelty of the attempt in private concerns; by the harassing effects it has on the individual, his family, his hopes, his views, and his happiness; by the irritation

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and hatred it produces between man and man; by the same effects it produces between the component parts of the community; by the certainty of its being deemed and felt as an abuse of power and unjust oppression; by the danger it produces to the commonweal; by the bad passions, savageness, and bloody-mindedness it generates in the persecutor; by the hatred and vindictiveness in the mind of the persecuted; by its immoral effects, dissimulation and hypocrisy being its only possible success; by the mischief of setting one part of a nation against another, and the consequent disadvantages to it, as well as the advantage those divisions give to the enemy; by its driving every subject exposed to it, to love his country less, and making patriotism a contest between nature and principle.—Try the question also by the *contrary principle*, being the promoter of peace and charity between individuals, and all classes of the community; and between nations. I invite him particularly to try its utility, policy, and success by the test of history. Beginning at home, and by the reign of Queen Mary; it was no doubt her hope to root out the Protestant religion by the horrid cruelties of which she was guilty, and to operate the exclusive establishment of the Catholic faith; yet after exciting insurrections which nearly cost her the throne, and rendering her name for ever execrable. Though the country might have the appearance of acquiescing, yet what has been the result? A few years overturned all she had done; the Protestant religion is now that of the great majority, and is the established church, whilst her tyrannical proceedings have attached a rooted hatred to her religious tenets, and have been visited on us Catholics for far more than ten generations.—Henry VIII., Edward VI., Elizabeth, James I., Charles I. and II., King William, Anne, and George I., in different degrees, left no severities untried to annihilate Catholicism both here and in Ireland, yet though in balancing the wretched account of those persecutions,

as betwixt Catholics and Protestants in England, we have in number of reigns of persecution at least ten to one against us, and in number of years 280 of passive to 3 years of active oppression; yet we are still a tolerable number of Catholics here, and are in Ireland six out of seven; whilst the continuance of the system, even in its moderated degree, produces discontent, disaffection, and danger to the State.—Elizabeth and the Stuarts did all in their power to obliterate the Presbyterian religion: the re-action greatly contributed to the overthrow of the religion of the State, of the monarch, and of the monarchy itself.(3) Yet, notwithstanding the revival of that persecution at the Restoration, supported as it was by the influence of England and its Clergy during the reigns of Charles II., and James II., the Presbyterian religion has become the established religion in Scotland; whilst the subsequent abolition, in essentials, of this exclusive system between different classes of Protestants, has restored peace and unison to the two countries.—In Canada, we took, with some reluctance, in the very nick of time, the step of conceding by law all political rights to that conquered country. The benefits derived from it were immediate. In our arduous contest with our American colonies, we received the cordial support of that people. Can it be supposed, that if these rights had been denied them, they would not have joined the Americans? Instead of this, they assisted us most efficiently, and though they were of French origin, and had not long been separated from the mother country; the French, notwithstanding their being masters at sea for a considerable period, thought it needless to make any attempt on their allegiance. Here England found that one Catholic *half allegiance* was worth more to her than thirteen *whole allegiances*.

(3) temp. Charles I.

In France, persecution became the source of long and dreadful civil war, and numerous insurrections and mutual acts of the greatest barbarity; for no wars are so

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passionate as those of conscience. Lewis XIV. used his most powerful arm to clear the country of Protestants, yet they are now there in numbers; and since the exclusive system has been laid aside, are so blended in peace and charity into one mass, that it becomes very difficult to ascertain who is Protestant and who is Catholic.

Hungary was to the House of Austria a most precarious possession whilst any religious distinctions existed, but it became, on these being abolished, the steadiest support of Maria Theresa; her asylum, and the means of recovering her lost provinces.—The Levy en masse of Catholic Silesia under Blucher, has rendered the same service to Protestant Prussia. Who will believe, that if they had been oppressed by exclusions, they would ever have afforded their Sovereigns the same zealous assistance? Who in his senses will risk his life to remain a Helot, a degraded and marked man? he could be no worse off under the worst of governments.

To conclude a subject which I should feel little inclined to quit, if I could by repetition impress it more strongly, thinking it of the greatest importance to the happiness of the world, and more particularly so, under all circumstances, to that of my own country: I again invite my reader to cast his eyes over the page of history, and to examine the fallacy of the persecuting system, and the dreadful evils in its train. He will discern the mischief of those super-politicians, who calculate freedom of conscience by physical sttength or numerical power, making that which is the high concern of all to be enjoyed only by the strongest party, and thus subjecting faith and truth to policy, private and civil good to interest and monopoly, religion to government, and conscience to conveniency. He will see what a calm the admission of the single principle, *that religious liberty is a civil right*, would have produced; he will feel its excellence and its salutary consequences: what scenes of

war among nations, what civil contests and insurrections sink before you; what torrents of blood shed in the field or on the scaffold, are dried up; religious differences lose the fuel which lights them up into a flame—the whole drops at once into peace and quiet;—'tis true the hand of ambition might have caused some misery, but it would have been bereft of one of its most powerful weapons, religious discord among citizens. There is an end of the religious wars in Bohemia, of the battles of Charles V., and of the thirty years' war in Germany; of the civil wars in France; the interference of Spain there and with England, the insurrections, mutual massacres, persecutions, and banishments of its citizens.—Spain no longer oppresses the Netherlands with the same efficacy. All Inquisitions, Courts of High Commission, and their cruelties vanish.—The improper interference of some Popes, and of all descriptions of the clergy in civil matters, is broken off.—Henry the Eighth loses part of his tyrannical enjoyments, Mary becomes a lamb, and Elizabeth ceases to cut up her Catholic subjects: the rebellions are at end; Scotland enjoys internal peace: the minds of the Stuarts might not have become so despotic, or their fate so lamentable. Persecution in all its shades ceases, and with it the motives for crime in many individuals, and the sufferings of those they oppress disappear. Vengeance is disarmed and Christian charity and good will reign triumphant.

We all, however, know how difficult it is to prevail, even on ourselves, to give due attention to what is either said or written on subjects which are contrary to our accustomed feelings and ways of thinking: impartiality and even fairness are scarcely to be obtained in politics, and still less so in religious matters; but I trust that our tender of the proof of manifest injustice will have its weight with good men, and that, at all events, they will not suffer their minds to be prepared to reject the principles of religious liberty without endeavouring to give the subject their serious consideration.—It is true that

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the flag of *No Popery* has ceased to be the signal of destruction, and is now no more than a coarse proclamation of proscription; and we thank the country for having indignantly rejected it.* It is true that we have friends heedless of their own peril, and who are more zealous in our cause than ourselves; still I am convinced that, as Catholics, it is only by the progress of this principle of religious freedom that we may hope for liberation. It would be vain to expect to eradicate the strong prejudices which have been infused into the minds of all classes of Protestants from the dawn of their reason; they hate our tenets; they cannot easily be induced to take the necessary trouble to understand them, and many take all for granted that has been alleged against us.†

*. I trust we shall never lose sight of what we owe to the triumph of generous feelings over early prejudices, and the later the conviction, often the more sincere; nor should we dwell on those shades of opinion respecting us, which are discoverable among our friends, or find serious fault with them; but endeavour to convince them and remove their doubts and fears; because we must be certain that it is entirely owing to their thinking for themselves, that we have any support at all from Protestants.—In and out of Parliament they have, as I have said, shown themselves even more zealous than we are: they cannot obtain any personal advantage by us; and have adopted us with detriment, or at least with danger to their personal interests and pursuits, and to the quiet possession of their advantages in life.—I trust that this will never be forgotten, and that, even if we should obtain emancipation, there is not a Catholic either in England or in Ireland, that would do aught to displace any one Member who has voted for us.—Indeed, were Emancipation to take place, property would resume its usual course of influence, and very few Catholics would obtain seats in Parliament.

Respecting Catholic doctrines, a strange tissue of misrepresentation, varying from the subtile imputation to the most barefaced calumny, has, at first by keen design and now by habit, without intermission since the days of Elizabeth, been drawn with the greatest perseverance and industry; over the public mind, through every class of its instruction, from the tale of the deluded nurse, the very hornbook, up to the refined academic *lecture*; till it reaches the pulpit: and when the theologian has poured out all his gall, and the historian has exhausted all his exaggerations, suppressions, misconstructions, and *reticences*, the writer of Romance takes it up, and not contented with the real crimes and depravities, of which the course of ages must furnish so many examples, he tortures his imagination to devise crimes for imaginary priests and *nuns*; at the same time carefully avoiding to mention any of those sublime characters, of which history is full, who actuated by true piety and religious principle and zeal, have devoted their fortunes

It is only great and charitable minds that can overcome early prejudice, or to whom it is irksome to take a bad opinion of others on credit and without inquiry; but we may hope that every individual who thinks at all, may become convinced that he has no more right to force his neighbour to adopt his opinion than his neighbour has to use compulsion with him; he may see the delusion, the nothingness of any political system that has not for its foundation and object the happiness of the subject; he may feel that oppression in any shape or shade is odious in itself; that religious liberty must produce quiet and safety to a nation, whilst persecution cannot fail in causing disunion and danger; that civil liberty is nothing more than doing equal justice to all, and religious liberty only the forbearance from using undue interference with others; and hence true toleration and charity in every mind will be deduced as a clear consequence. So predisposed, he will readily distinguish between principle and abuse; without so doing, every thing that is great and good in itself must be rejected, and the Christian religion itself must fall. If he gets better acquainted with the religion of his neighbours, he will find that it leads

and their whole existence to the offices of charity:—thus on account of individual misconduct, they keep up the ball of prejudice and calumny against the principles of religion itself:—these must ever be pure and spotless, obligatory and distinct, in all persuasions, when not artfully blended with the crimes and vices of its professors.—To such persons we have a right to say, "the kind of religion you chuse to forge and invent for us, *we reject*; if there be such a one, we join with you in railing at it, others may have a claim to form such a sect, we have not, *we are Catholics*." For the warfare of imputation, ammunition is seldom wanting.—John Bull hunting down a Papist reminds me of the chace of the Baron Thonderdendronk, for which all the kinds of dogs of his farm-yard, however discordant and quarrelling at other times, were mustered to form the Pack: the high dignified, sullen Mastiff; the tenacious *common* Bull-dog; the deep-tongued, orange-tinged Blood hound, like those who are panting for the renewal of sanguinary proceedings; the black Terrier spitting fire, as from the pulpit; the lean, lank, wire-haired field preacher-like Greyhound; a couple of water Poodles; the village Cur with a yell, like that of *No Popery*, and even sometimes the Lady's Lap-dog joining in the cry; but the old Lion often turns and repels the attack, and his den is impenetrable.

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to the same results to the country and to him, as his own. *He* is not inclined to renounce our free constitution on account of its having been perverted or misused by the power of particular Kings, or during the rage of popular fury, and this will show him that a Catholic should not be required to give up the genuine principles of his religion on account of the ambitious conduct or mistaken zeal of any individuals, either Popes, or of the clergy or laity.—Much wrong has, no doubt, been done under pretence of religion, many have sought under its sacred name to forward their own worldly power, or to gratify their arbitrary minds, and that charity, which every sentence of the New Testament enjoins, has often been entirely lost sight of, even by persons of pious and religious feelings. But what is this to religion itself?

To conclude, we lament the past conduct of several Catholic governments, and that of many individuals, and regret that Protestant countries have failed in the same way;—To this we join our earnest request, that our country will now follow the brilliant example which the principal Sovereigns on the Continent, of all persuasions, as well as the Republics in America, have set us in matters relating to religious liberty. To use the words of the late Dr. Milner, "May we deplore and lay aside all past animosities; forget entirely the blameable misconduct of all parties and the injuries they have received, and henceforward vie only with one another in proving by our actions, which are the best followers of the precepts of charity given us in the code of Christianity which is common to both."—If we have to reproach each other with mutual injuries, it is clear that the worse we have been in those matters, the more decidedly is amendment necessary, and that by mutual forgiveness and future good offices, we should atone for whatever has been done amiss.

Letters to a Prebendary.

What we claim is a clear stage and no favour, to be blended with the mass of our countrymen; that the

Constitution should be left to its natural course unhampered by those penal and excluding statutes which do not belong to it, and are adverse to its true spirit and ancient practice: that there may be an open course left for the concurrence of merit, and that the nation may have the selection and the advantage of the services of all; and acquire the best chance for perpetuity, by the removal of all just causes of discontent, and the consequent hearty union of all its subjects in one common interest and feeling for its welfare.

HENRY HOWARD.

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I am desirous to specify some of the most remarkable instances of the gross perversion of justice and abuse of our free Institutions, which have occurred since the reign of Henry VIII., and if I chiefly select those which relate to my own family, connexions, and friends; it is because I am best informed on what relates to them.*

See page 17—*No.* 16. TRIALS OF PEERS BY A SELECTION OF PEERS, INSTEAD OF BY THE WHOLE HOUSE.(1)—Edward Stafford, Duke of Buckingham, Hereditary High Constable of England, was I believe the first victim of such a Royal Commission. To this abuse, in his case, another cruelty was added, that of making his Brother-in-law President of the packed tribunal. His chief crime was being nearly connected with the throne, and his great estate: there was nothing attempted to be proved or alleged against him but some words, which, if proven, (which they were not,) would not have been sufficient authority for whipping a cat. By one of the most unjust sentences ever pronounced, he was executed and his estates confiscated.—This unjustifiable practice was continued to the end of Queen Elizabeth's reign.

(1) Howell's State Trials, vol. I. A.1522.

Page 17—*No.* 17. BILLS OF ATTAINDER, AND EXECUTIONS WITHOUT TRIAL;(2) examination of witnesses or knowledge imparted to the accused of the grounds of accusation. The Countess of Salisbury, daughter of the Duke of Clarence, and the last of the line of the Plantagenets, was without any trial or accusation made known to her, or any opportunity given to her for defence, and with the opinions of the Judges in direct opposition to the proceeding, attainted by Act of Parliament and executed, when she was upwards of seventy years of age; with particular circumstances of brutal barbarity. Sixteen other persons were then executed with as little formality. See Burnet's Reformation and State Trials.

(2) Hen. VIII. 1549; See Burnet & Howell.

* Before I proceed further, I must apologize for my ignorance in my note of page 11; as I now understand that if Edward I. or Henry V. did come to life again, they might be made tide-waiters. As owing to some jarring in the service of the Excise or Customs, between England and Ireland, an Act was lately passed to enable English as well as Irish Catholics to be so employed: but from all other places of trust or profit in the civil line we are excluded by law.

See page 11.

Same page and No. Thomas Cromwell, Earl of Essex, the King's Vicar General, was also condemned unheard, attainted and executed, after having on many occasions been the mover of the same iniquitous proceedings respecting others, and a great promoter of Henry's tyranny.

Same page and No.—Thomas Duke of Norfolk, Treasurer and High Admiral,(3) had rendered the most eminent services to the country in war and in peace, both in the military, naval, and civil department. He led, under his father, the main battle at Flodden Field, and to him the success of that day was chiefly owing: next to his brother Edward, he was also the best sea-officer of the time, he had cleared the seas both of the French and Scottish navies: he had, without bloodshed, quieted the rebellion in the north, and had conducted many intricate negotiations with signal ability and success: his chief fault was having been too subservient to the King's plans and wishes. He was attainted in 1546, without a word having been proved against him, or indeed any cause being assigned to him, or any hearing allowed, or any opportunity being given to him of knowing what he was accused of.—*Henry Earl of Surrey*, his son, had greatly distinguished himself, was the best poet, and the most accomplished gentleman of his age. A sham trial indeed took place, but whoever reads it will see that there was no guilt even in the frivolous and unproven charges brought against him. The chief accusation was that he had borne the arms of Edward the Confessor, who, by the by, never had any arms; those had however been allotted to him by the heralds. He was executed. Burnet says, that "he and his father were designed to be destroyed upon reasons of State:" such reasons as those for which Robespierre immolated his victims, aristocracy of birth, talent, and property; with this difference, that here the Peers and Commons became parties to the injustice. The Duke fortunately escaped, by the death of the King the night before his intended execution; but he remained a prisoner during the whole of Edward the Sixth's reign.

(3) Howell's State Trials Burnet, iii. e.

Page 18, *No.* 27.—IMPRISONMENTS FOR WHAT WAS NO CRIME, AND WITHOUT TRIAL.(4) Lord Thomas Howard, a younger son of the same Duke, "was, by a bill brought into the House of Lords the last day of the Parliament (28th Henry VIII.) by the Chancellor, read thrice in one day, and passed the same day in the Commons," attainted for having paid his addresses to the Lady Margt. Douglas, daughter of the Queen of Scots by her first husband: this was no crime whatever in law, but he was committed to the Tower and remained prisoner to his death.

(4) Parl. Hist. vol. 3, p. 152.

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Lady Catherine Grey, sister to Lady Jane Grey,(5) was imprisoned for life by Queen Elizabeth, for having married the son of the Earl of Hertford; she died after nine years' confinement.

Lady Arabella Stewart,(6) imprisoned and confined at times in the same manner, by Elizabeth, and James I.

Lord William Howard, of Naworth Castle,(7) twice, by his own account, close prisoner in the Tower, without knowing the cause: a close prisoner had not access to any one, nor books nor pen allowed. He was afterwards (temp. James I.) Lord Warden of the Marches. To this list numbers may be added, who died in prison, and were never brought to trial; amongst these, the Archbishop of York, and many Bishops, and numbers of the Clergy who were deprived by Queen Elizabeth, and Priests without end. Mary Queen of Scots may also be added to the list.

(5) See Peerage in 3 vols. page 105, and Aspen's Geneologies.

(6) Hume and all historians.

(7) Lord Wm. Howard's Manuscripts.

Page 17, *No.* 15.—THE FREQUENT USE OF TORTURE TO OBTAIN EVIDENCE.(8) If any one will read the trial of *Thomas Duke of Norfolk*, in 1572, with an order (given in Ellis's Original Letters) from Queen Elizabeth, in Lord Burleigh's hand-writing, to put the Duke's servant, Barker, and his *solicitor*, Lawrence Banestre,(9) to the rack, to obtain evidence against him,—he will find, on comparing dates, that four persons in the first stations under the crown on their examination in Court on their oaths, respecting this racking, denied that which they had been active parties to: and on the whole of this trial it will appear by what unworthy shifts, illegal contrivances, suppression of facts, and forced inferences, the Duke lost his life, and the family his personal and unsettled estates.—The persons, in this and other instances, who were put to the torture, were never tried, and their fate is unknown.*

(8) State Trials, vol I., p. 892; Ellis's Orig. Letters, v. I II., p. 261. Murdin's Burleigh papers.

(9) Echard, p. 882; and Lord Wm. Howard's Manuscripts.

* There may have been brutal and ferocious acts of cruelty, like those attributed to Bishop Bonner, used at times towards persons accused, but I am inclined to believe that *torture*, as a system, was not adopted by the government before the reign of Queen Elizabeth, and fortunately it did not last much longer: in this I think I am supported by Blackstone's statement.(10) I cannot believe it possible that the High Admiral, Lord Thomas Seymour, was put to the rack by the Council of his nephew Edward VI.(11) Daniel Barbaro, then Ambassador from Venice,(12) reports to his government, that it is the boast in England, that *torture is never used*; this he would not have said had it been otherwise.—In Elizabeth's reign it was frequently applied; there are instances of examinations in Bacon's Letters, and many in Bridgewater's *Concertatio*,(13) of priests put to the rack, in the presence of the Chancellor, of Sir Francis Walsingham, of the Chief Justice, Attorney-General, and others of the Privy Council. A dispute on a theological point is proposed to a priest of the name of Bennett whilst he is hanging up by the wrists, upon which he suggests to the torturers that in fairness the other disputant should, as usual in the schools, be placed opposite to him in the same condition, that they might dispute on equal terms.(14)—Norton, the rack-master, is stated to have boasted of his skill in drawing out the

(10) Blackstone's Commentaries, vol. iv., p. 320.

(11) State Trials, vol. I.

(12) Relatione del Mag. Dom. Barbaro, &c. 1551, Greystock MSS.

(13) Concertatio, printed at Preves, 1589, pages 57, 71, 73, 74, 88, 176, 178, 180, 191, 194, 198, &c.

(14) Ibid 197.

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The fate of *Philip Earl of Arundel*, the Duke's son, was attended with circumstances of more refined inhumanity, and the conduct of Queen Elizabeth towards his lady was most peculiarly unworthy. In 1583, without cause assigned, he received an order to confine himself to Arundel House, in London, where he remained four months; and at the same time his Lady (who was the co-heiress of the Lords Dacre of Gillsland and Greystoke) was placed under the custody of Sir Thomas Shirley, in Sussex, and there remained more than twelve months;—it appears that though she was an excellent woman, Elizabeth had taken a strong dislike to her, and done all in her power to estrange her husband from her.—These proceedings, and the jealousy shown him, induced the Earl to write in 1585, a letter full of loyalty and good wishes to the Queen; in which he says,—"I saw it was resolved by the course of this dealing, that how clear or manifest soever mine innocency was, my adversaries should receive the triumph of the victory in having what they would; no man charging me with the least offence, nor my conscience being able to accuse me of the smallest fault,—or hearing any just cause of your Majesties hard conceit, or any good colour why I was committed. Wherefore, after I had escaped these storms, I began to call to remembrance the heavy sentence which had lighted upon those three of mine ancestors who immediately went before me: the first being my great grandfather, who was so free from all suspition and show of any fault, as because they had no colour of matter to bring him to his answer, they attainted him by Act of Parliament without ever calling him to an answer: the second being my grandfather, was brought to his trial and condemned for such trifles as amazed the standers by: the last being my father,—howsoever he might unwittingly or unwillingly be drawn into greater danger than himself did either see or imagin, yet all his actions did plainly declare, and his greatest enimies must of necessity confess, that he never carry'd any disloyal mind to your Majesty, nor intended any undutiful act to his country. And when I had in this sort both fully and throughly considered the fortune of those three which were past, I called to mind mine own danger which was present; and did think it not impossible, by the show of this rough beginning, but I might as well follow them in their

Stowe, 702; & MSS. at Norfolk House.

See page 17, No. 17; Thos. D. of Norfolk.

See Page 17, No. 17; Henry Earl of Surrey.

See Page 17, No. 15; Thos. D. of Norfolk.

frame of the priest Alexander Briant, to a foot longer than its natural length.(15) The object in using this engine to stretch the body, seems to have been to induce the patient to make an equal stretch of conscience; for whenever he showed the required *elasticity* of conscience, his release was certain from present suffering and future prosecution, and hopes were given of reward and advancement.

(15) Concertatio 78.

fortune, as I have succeeded them in their place. For I considering the greatness of mine enimies power to overthrow me, and in the weakness of myself, no ability to defend me—how narrowly my life was sought, and how easily your Majesty was drawn into a suspitious and hard opinion of my ancestors—and how mine innocency was no sufficient warrant to protect myself—and besides was charged by your Council to be of that religion which they accounted odious and dangerous to the State; remembering what a watchful and jealous eye was carry'd over all those who were known to be recusants; and how all their lodgings were continually searched, and to how great danger they were subject, if a Jesuit or Seminary Priest was found within their houses; in what continual danger I was if I remained here in England, by the laws heretofore established and by a new act lately made—I did think it the safest way to depart out of the realm,* and abide in some other place, where I might live without danger of my conscience, without offence to your Majesty, without this servil abjection to mine enemies, and without the dayly peril to my life; being of that religion which your Majesty doth detest, and of which you are most jealous and doubtfull." He then goes on, assuring the Queen of his fidelity and personal attachment; but all this was of no avail in a Tudor breast. Orders were given to intercept him in his passage—he was committed a close prisoner to the Tower in the year 1585, and there remained till his death (which apparently was caused by poison) in 1595, without being allowed to see either his wife, children, or any friend, and generally attended by some person appointed to report every thing he did or said.—His brother, Lord William Howard, (ancestor to Lord Carlisle and myself,) and his sister, were likewise committed close prisoners to the Tower, without any known cause, but were afterwards released.

In the year 1588, when the Catholics in the Tower and the Earl were allowed "more liberty than he had ever had either before or after," an account was spread, that "a sudden massacre of them all was intended on the first landing of the Spaniards; and this coming to the Earl's ear, out of his piety he judged it necessary that all Catholics should forthwith apply themselves to prayer, either for the avoiding of that danger, or for the better preparing themselves thereto." Accordingly a priest of Queen Mary's reign, of the name of Bennet, offered up the mass to obtain the protection of Heaven. Bennet was afterwards taken before the council; and in his letter to Lord Arundel, he states, that "with many thundering threats of

Manuscript life of the Earl of Arundel at Norfolk House.

* By the Great Charter he had a right to do so.

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returning to the Tower, torments, and death, with a promise of life and speedy liberty, I confessed every thing that seemed to content their humour; and with a guilty, fearful, unquiet, and most tormented conscience, I confessed that you moved me to say a mass of the Holy Ghost for the good success of the Spanish fleet,—for which unjust confession, or rather accusation, I do, again and again, and so to my life's end, most instantly crave God's pardon and yours:" and declares himself ready, before God and man, to declare the accusation "most unjust, and done only for fear of the Tower, torments, and death." The Earl was, however, arraigned; and notwithstanding the production of this letter, was on this evidence condemned for treason by a commission of Peers, as in those times they, I believe, never once failed in doing,—and for a long time he expected to be brought forth for execution. There is an account of his funeral, which appears to have cost the Queen 40*s.*, the clergyman declining to make use of the usual service.

Lansdowne MSS., & Dallaway's Sussex, vol. II., p. 115.

As for the Countess of Arundel, his lady, during her confinement in Sussex, first mentioned she was "so streightly confined and watched that none could either serve or have access to her but such as were approved by Sir Thomas Shirley. After the committal of the Earl, by the Star Chamber, to the Tower, the 'Countess being great with child, liv'd at a hired house, at Romford; and the Queen having intelligence that the Lady Mary Sackvil (her sister in law) was gon thither to pay her a visit, sent forthwith a messenger to that lady, with express command not to stay there any more than that night.' And when soone after the Countess was delivered of her son, and earnestly desired that the Earl her husband (who was then close prisoner in the Tower) might be informed of it, it would by no means be granted; but after some time, by other means, he was told she was brought to bed of another daughter, one may easily guess he was thus misinformed to increase his affliction. The Queen, some time after that, coming either for pleasure or curiosity to Arundel House, and espying on the glass of one of the windows a sentence written with a diamond, insinuating hopes of future better fortune, with her own hand she writ underneath another sentence expressing much passion and disdain." After she had obtained leave to reside at Arundel House, she was always ordered to leave it whenever the Queen came to Somerset House, and could never obtain permission to present any petition to the Queen in person. "After the Earl her husband's condemnation, all her goods were seized for the Queen; they left her nothing but the beds on which herself and a few servants were to take their rest, and those only lent her for a time: she endeavoured to buy her own

Life of the Countess of Arundel, a MS. at Norfolk House.

coach at the rate it was valued by the prizers of her goods; but could not obtain so reasonable a courtesy; and thus when business required was forced to go on foot, and for a considerable time had no allowance. At length, after much suite, all she could obtain from the Queen, for all manner of occasions, was only eight pounds a week, and that many times so ill payed that she was often compelled to borrow and make hard shifts to procure necessary provisions. After the Earl's death, she should have entered into the possession of those lands which were her own inheritance, and also some of the Earl's assured to her by way of jointure; (all which the Queen had seized;) yet, contrary to all justice, she was forced with great charge and trouble to sue for them all, and was compelled finally to pay, by way of composition, well nigh £10,000."

Page 18, *No.* 19.—PERSONS EXECUTED FOR CRIMES NOT CAPITAL BY LAW.—Sir Thomas More,(16) condemned for denying the King's supremacy. He had prudently observed strict silence on the subject of the act, and having retired from office the oath could not legally be required of him; his own words at the trial will best explain this subject:—"The charge against me is, that being a prisoner and twice examined, I would not out of a malignant and traiterous mind tell them my opinion whether the King was supreme head of the Church or not; but I confessed that I had nothing to do with the act, because I had no benefice in the Church, and never had said or done any thing against it; neither can one word or action of mine be alleged or produced to make me culpable, nor can this statute or any other law in the world punish any man for his silence, seeing they can do no more than punish words or deeds—'tis God alone that is the judge of the secrets of our hearts."—To this the Attorney General made answer:—"Sir Thomas, though we have not one word or deed of yours to object against you, yet we have your silence, which is an evident sign of the malice of your heart." He was executed for treason, though the law as it then stood did not subject him to the oath, and then made the alleged crime punishable by imprisonment and confiscation of goods, and not by death.

(16) Howell's State Trials, vol. I. Henry VIII., 1535.

Page 18, *No.* 21.—JURIES INTIMIDATED TO FIND THE ACCUSED GUILTY.(17) In the same way as Sir Thomas More was treated were three Priors of the Carthusians, who were executed for treason with great barbarity for the same offence, at that time not capital. Strype, in his Annals, says—"That the jury demur'd, alleging that they could not bring in such holy fathers guilty as malefactors, which, when Cromwell heard, he sent them word immediately that if they found them *not guilty*, they should suffer the death of malefactors themselves."—Strype's Annals, and Burnet's

(17) 1535. Strype, Burnet, &c.

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Page 18, *No.* 20.—PRISONERS STARVED TO DEATH.[18] Burnet says—"Ten other Carthusian Monks were starved to death in prison, where nine of them died, and the tenth was executed in August." In Ellis's original letters, the fate of these monks is thus reported in a letter to Lord Cromwell.[19] "They be almoost dispeched by th' and of God, as may apper to you by this byll inclosed: ther be departed 5; [naming them;] there be even at the poynt of dethe, 2; there be syeke, 2; one is hole." It appears that 59 persons were executed for denying the supremacy. The statute of 1535,[20] making King Henry the supreme head of the church, gave him "all authority to reform, &c., all errors, heresies, &c., *most to the* pleasure of Almighty God;"* and the act of the 34th of his reign,[21] made it heresy to reject the doctrines which he had declared to be orthodox, and also to maintain any opinion contrary to such doctrines as he might in *the future* publish to be such; thus at once making him infallible: nor was he less jealous of this new title of *Pontifex maximus*, than Tiberius or Nero might have been in former times, though apparently as little qualified as those Emperors to be placed at the head of the Church of Christ. Men of arbitrary minds are not content with the dominion over the body; but, as an increase of their darling power, aim also at having it over the soul, however much that may be beyond their reach. Those persecuting Emperors also reproached the Christians with being imperfect subjects; and to me it is clear that though the honour of the Gods, and the preservation of the religion of the state, were the ostensible pretexts for persecution, yet the real cabinet motive was *divided allegiance*.

Page 59, *No.* 100.—EXECUTION OF BARNEVELT AND IMPRISONMENT OF GROTIUS.—Benger's[22] Memoirs of the Queen of Bohemia contain much information on this subject, taken from original documents.[23] It appears that Barnevelt was not an Arminian, but only protected them, "because all sects ought to be tolerated." For this he was condemned, but his real crime was opposing Maurice Prince of Orange in his views of sovereignty, which James I. supported: on the scaffold his last words were, "I die for my zeal to preserve your liberties." The synod of Dordrect, convened through the influence of those Princes to accomplish that end, consisted of English, French, Palatine, and Batavian divines, and none ever

(18) Burnet's Reformation, and State Trials.

(19) Ellis's Orig. Letters, vol. II., p. 76.

(20) 26th Henry VIII.

(21) 34th Henry VIII.

(22) Vol. I. page 245, &c.

(23) Carlton's Ambassy of James I. to the States: and fr. Brandt history of the Reformation.

Nov. 13, 1618.

* *Calvin*, in his Commentary on the 13th v., 17th ch. of Amos, writes: "Those who first raised Henry King of England so high, were certainly very inconsiderate men, when they gave him the supreme power over every thing. This has always wounded me much: for they were blasphemers when they called him the supreme head of the Church under Christ, that was really too much."

showed themselves more intolerant. Carlton Bishop of Llandaff,(24) Hall Dean of Worcester, with Samuel Ward and John Davenant, Doctors of Divinity, were the deputies of James I. to the synod; and, what is remarkable, they enforced in Holland conformity to the doctrines and church discipline of Calvin, which were not their own. Many of the Arminian ministers(25) were committed to the Rasp House of Amsterdam, and during "many years these ill-fated non-conformists being driven from Holland, as the Hugonots afterwards were from France, wandered in miserable exile, and in 1629 planted a colony in Holstein, to which they introduced their national habits of order, industry, and sobriety."

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(24) Grimston, page 1383.

(25) Benger, 352.

Page 32, *No.* 54.—Oates' Plot, to which William Howard, Lord Stafford, was a prominent victim. On this subject I am prepared to say much, but shall refrain, and only refer Protestants to their own historians. They will, without doubt, lament sincerely, as the Catholic does feelingly, the delusion (to use the mildest word that occurs) which for nearly four years blinded this nation: they will see, in all the proceedings, the same calumnies and imputations which are sometimes now in use; and out of this profane source they will see arise in garments clotted with innocent blood, that which is by some styled the Palladium of England—the Test Act.* And if those transactions do not appear to them to call for *atonement and retribution*, instead of a continuation of oppression, all that I can say is that my ideas of justice run in a different course from theirs.†

Hume and Echard, &c. 1678 to 1681.

The Royal Marriage Act, passed in 1772,(26) is a great deviation from our Constitution; it prohibits any descendant of George II.,

(26) See Parl. History, 1772, page 381, &c.

* The *Act of Indemnity* neutralises in most cases this oppressive law, but this being only temporary, it exposes the subject to the caprice of the legislature and to the casual effects of popular clamour, or to accidents which may prevent its being enacted in due time, nor does it alter the law, it only proves its mischievous absurdities.

† Hume writes, "Had not men expected with certainty the legal punishment of the Catholics" (so much had the people been excited) "they would have been exposed to the hazard of an universal massacre." The Commons also brought in a bill to banish Catholics, which Lewis XIV., as all intolerants are as quick at a hint as they are at an imputation, would not fail in availing himself of, as a favourable precedent. He soon after was guilty of the revocation of the edict of Nantz (its marrow may possibly be found in the breach of the treaty of Limerick).—James II. had however so far the good sense to give his protection and assistance to the injured exiles.—Before I quit this subject, we must beg leave to disclaim the slightest connection with the Chief Justices, Scroggs and Jefferies. The reading of the trials will convince every one that we never had more cruel, prejudiced, or more bigoted enemies:—we surrender them entirely to the ascendancy.—With Colonel Kirke we also decline all association, he was the first to leave James in the lurch and became a favoured commander under King William.

Hume, vol vi. page 209.

A. 1680; Hume, &c.

1685.

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male or female, from marrying until they attain the age of twenty-five, without the consent of the Sovereign; even then, if Parliament complies with the views of the Court, it may be prevented. Thus it might happen, in the exercise of so new and so odious a prerogative, that a nephew or a niece may prevent an uncle or aunt from marrying, even the case may occur of a son or daughter exercising the same power over their parents; and thus whilst in our clergy the voluntary vow of celibacy is so much reprobated, the members of the royal family are, however unwilling, compelled to it by law. This subject is particularly well treated in the protest of some of the Peers on that occasion:—"We conceive the right of conferring a discretionary power of prohibiting marriages to be above the reach of any legislature, as contrary to the original inherent rights of human nature, which as they are not derived from or held under civil laws, by no civil laws whatever can they be taken away. To disable a man during his whole life from contracting marriage, or making his power of contracting such marriage dependent neither on his own choice nor upon any fixed rule of law, but on the arbitrary will of any man, or set of men, is exceeding the power permitted by the Divine Providence to human legislators; it is directly against the earliest command given by God to mankind; contrary to right of domestic society and comfort, and to the desire of lawful posterity; the first and best of instincts planted in us by the author of our nature, and utterly incompatible with all religion, natural and revealed; and therefore a mere act of power, having neither the nature nor obligation of law."

Page 19, No. 30.—PERSECUTION TURNED INTO AN IMPURE SOURCE OF REVENUE TO THE CROWN.—Queen Elizabeth is the inventor of this system of confiscation, fines, and compoundings for not attending public worship, which I believe never existed in any other country: this became a considerable source of revenue: James I. reckons it a net income of £36,000 per annum, a large sum in those times.—There is a picture in the house of my friend Mr. Townley, at Townley, in Lancashire, representing Mr. John Townley, one of his ancestors, which gives one a tolerable idea of the life of a Catholic during those times; the inscription in black letter characters, concealed under another tablet, is as follows:—"This John, about the 6 or 7 yere of her Majestie yt now is for professing ye apostolicall Catholick romaine faith, was imprisoned first at Chester Castell, then sent to Marshalsea, then to Yorke Castell, then to the Blockhouses in Hull, then to Gatehouse in Westminster, then to Manchester, then to Broughton in Oxforthshire, then twice to Elye in Cambridgshire, and so now of 73 yeares old and

Hardwicke papers, vol. I., page 416.

blinde is bounde to appeare and to kepe with in five miles of Townley his house, who hath since the statute of 23o. paid into ye Exchequer £XX ye mounth & doth still, yt there is paid allready above five £M.—1601."

My ancestor, Colonel Sir Francis Howard, who sold two estates in the county of Durham[27] to raise and maintain a regiment of 400 horse for the service of Charles I.,[28] and lost his brother, his eldest son, and two nephews in the field, had his estate confiscated for his recusancy,[29] and I have documents respecting fines paid, for the same cause, by his son who died in 1709.

(27) Neasham and Blereton, value about £3000 per an.

(28) Original Commission at Corby.

(29) The documents at Corby.

Other penal laws to which we were subject were peculiarly humiliating and ungentlemanlike, as they affected all those pursuits and enjoyments to which English gentlemen are so partial. No one could, by law,[30] go more than five miles from home, or possess a horse worth more than £5. Whether this was intended to give them a better chance of breaking their necks, and thus putting them out of misery, I know not; but at all events, they could scarcely without breach of law take a ride, much less join in a fox chace, or go to a race. Every Catholic gentleman was placed in this irksome state of entire dependence on the good humour, liberality, and forbearance of his neighbours; and accordingly I have heard from my father that great court was usually paid to the parson and neighbouring magistrates.—There are many instances even in later times of those odious laws being enforced. Sir Henry Lawson, of Brough, has in his possession a licence from four magistrates and a deputy-lieutenant, to his grandfather Mr. Thomas Maire, of Lartington, in 1696, "to travel into the county of Oxford, being to court a young lady there; he having taken his oath before us that that is the true cause of his journey thither." To return with his bride there is another licence signed by four of the Privy Council.—Mr. Townley of Townley's great grandfather, Charles Townley, had a licence for a similar object. Mr. Maire also obtained a licence in 1705, signed by five of the Privy Council, to keep six horses for coach and husbandry, two brood mares, and three saddle horses; and Mr. Henry Lawson had a similar authority to go to London for two months on business. Even as late as the year 1770, Sir William Stanley, who died a few years ago, had his four carrriage horses claimed by a clergyman, (a dignitary of the Church,) who tendered his coachman a bank note of twenty pounds, and demanded their delivery to him, as the property of a professed Papist, and worth more than £5 each. Sir William, on refusal, was indicted; but the Grand Jury threw out the bill, on the grounds that a bank note was not a legal tender of money. The father of the late Lord

(30) See Parnell's Penal Laws.

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Petre told me that before the year 1778, a person shot through his shrubberies up to his very door; and on his remonstrance, said, "No partridges, my Lord, no priest."—On canvassing an old freeman of Carlisle, for Mr. Curwen, within my own manor, in 1786, I was told by him, though he was nearly a pauper, that though he would give me his vote, it would not be creditable for him to be seen going into Carlisle with a Papist. Such were the effects and feelings of degradation infused by such laws.

CATHOLIC PEERS are undoubtedly more positively aggrieved than we are: in this respect the protest of 23 Lords, on the bill for their exclusion, holds most forcibly, true English constitutional language. "Their privilege," say they, "is held by birth and right so inherent and inseparable from them, that nothing can take it away but what by the law of the land must withal take away their lives and corrupt their blood." In my opinion there was quite as much right and true authority to take their estates, as to attach a novel condition and requisite to their peerage;—this is evidently an unconstitutional stretch of power. They, however, with us, meet with the same damping effects of the penal laws at every turn, an extinguisher on every fair object of ambition, hope, or aim at distinction; every one passing by us on the road of life, whatever may be the merit or natural advantages of the individual.—I hope it will not be attributed to selfishness, if I here state something of my own case, which in so many respects resembles that of other Catholics. We were all obliged before 1778 to seek for education abroad, and consequently seldom saw home or parents for 6 or 8 years. The army being my choice, I did not see either for more than 3 days during eleven years. I was sent to the Teresian Academy at Vienna; but neither my father, his relatives, nor the kind endeavours of that excellent gentleman Sir Robert Murray Keith, our ambassador, under whose eye I had been for four years, could obtain leave for me to serve in our army: I even, in 1779, offered to serve as a volunteer in America, but did not receive any encouragement. An intimacy with Prince Charles of Mecklinburg, (the Queen's brother,) who commanded the Hanoverian division of guards, gave me hopes of success; but it seems that it was not thought right, and might produce jealousy, to introduce an English Catholic into that service: I believe none ever obtained admission into it. In 1783, the late Duke of Norfolk tried to obtain for me admission into the German part of the military establishment of his Royal Highness the Duke of York. At last I had to give up my favourite object:—thus the best part of my life had passed away in unavailing attempts; and when later I endeavoured, through the kind offices of Sir George

See Protest, April 21, 1768.

1786.

Howard, to procure a commission for a very fine young man, my brother, I found it still inadmissible. In the hope of more favourable times, he entered into the Sardinian service; but there, in a small village in Piedmont, was carried off by a fever, without having a single Englishman near him. I believe that Mr. Thomas Heneage was the first English Catholic admitted into the regulars.(31) A seat in Parliament, in my neighbourhood, was offered to me in a very flattering manner, with other advantages, which the laws forced me reluctantly to decline. Like other Catholic gentlemen,* when the laws respecting us began to be relaxed in their execution, I served in the militia, went to Ireland, and afterwards, by the friendship of many distinguished gentlemen of this county, who placed themselves under my command, I formed a volunteer corps,(32) and we served till peace broke us up. Such *par force* has been my inefficient life. We then served under the risk of heavy penalties and fines; for till lately, I do not believe that a Catholic could legally even be a corporal. We owe, if not to the suggestion, at least to the approbation of the late Duke of York, our admission to all ranks both in the army and navy, and also an impartial share in the military commissions issued since that time. Well does the country appreciate the excellent organization of the army, the impartiality, the freedom from political influence and vindictive feelings with which he exercised his high functions, as well as the truthfulness, sincerity, and urbanity of his mind. If we had feelingly to lament the opposition he gave to our claims, I could not help indulging the hope that the goodness of his heart, and the calm view of worldly concerns which his lamented sufferings, and the charitable disposition which sickness (fortunately for us all) promotes, might have induced that illustrious personage to see our situation with a more sympathising mind, and incline him hereafter not to assist in punishing those who do what they think right, though their opinions might not in his judgment be so; and that, as I have said, he might have seen the delusion, the nothingness, and the mischief of any system of politicians, which has not for its basis the happiness and union of the governed. On these grounds, notwithstanding conflicting interests, my humble vows were offered for his preservation, and I now pay the tribute of sorrow to his loss.

Finally, I must avow that it is not a trifling humiliation to me that I should now sit writing and interceding for rights which are

(31) By the late Earl of Bridgwater.

1794.

1799.

(32) The Cumberland Rangers, (a company of infantry trained as rifle-men,) and a troop.

* Lord Petre, at the same period, also raised a volunteer Battalion of Infantry, and proposed that his son should command it, but his Majesty, aware by his own personal knowledge that Mr. Petre was a Catholic, from having honoured Thorndon with a visit, judged that he could not, contrary to law, receive their recommendation.

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evidently in justice as much mine, as they are those I am addressing. It is miserable to be thus placed within the power of others, and to be made a beggar of; the very pleading of my cause is to me a revolting nuisance.—I can easily account for the irritation of a high spirited nation like the Irish, and at times have experienced, through the workings of my own breast, what it might lead to, if it were not checked by the feeling of the paramount duty which we owe to our country, in spite of wrongs and oppression. Be my lot what it may, I join in the prayer of Fra Paolo for his country—

Esto Perpetua.

HENRY HOWARD.

Corby Castle, 16th January, 1827.

POSTSCRIPT.

Since the first parts of these Historical References went to the press, and this last part was nearly completed, I have studied Lord Nugent's statement of our claims, and Mr. Wise's Address from the Catholics of Ireland. My first impulse was to suppress what I have written, and probably I had done wisely to give way to it;—it now strikes me that what I write may be considered merely as a collection of facts, which have probably, under the influence of different doctrines and education, led those gentlemen to the same results. I am happy to see what I mean so much more clearly and energetically expressed; and I hope that those excellent productions will have a due effect on the public. With the view before stated, I let mine go forth.

Printed at the Office of M. & J. Jollie, Carlisle.

EXTRACT FROM A DECLARATION

Delivered to the King of France on the 10th of April, 1826, by the Cardinals, Archbishops, and Bishops of France, then in Paris *.

THESE Prelates, in their Letter to the King, refer to the former Resolution of the Clergy of France, made in the year 1682, in support of the Independence of Governments of the Spiritual Power of the Pope, in all temporal concerns; declare, in the way of a Protest, against some doctrines contained in a Publication lately condemned by the Tribunals in France, as follows:

"We are most astonished and afflicted at the temerity with which "an attempt is made to revive an opinion, which, in former times, "owed its origin to the state of anarchy and confusion in which "Europe was then involved, and which had constantly been repelled "by the Clergy of France, and had nearly fallen into general "oblivion: that opinion, which would place Sovereigns in a state of "dependence on the Spiritual Power, even in political concerns; and, "in certain cases, to such an extent as would absolve their subjects "from their oaths of allegiance:"....."to pretend that their "infidelity to the divine law should annul their titles to sovereignty,

* This Declaration was signed by two Cardinals, five Archbishops, and seven Bishops, then residing in Paris, and since that time by all the remaining Prelates of France. The Archbishop of Paris alone did not sign the document, but wrote a letter to the King declaring his adhesion to the principles it contained.

The answers from the Catholic Universities consulted by Mr. Pitt, are to the same effect; and Pope Pius VI. in a Letter to the Irish Prelates in 1791, declares, "that the See of Rome had never taught that faith was not to be kept with heretics, "or that an oath to Kings separated from the Catholic Communion can be violated; "or that it is lawful for the Bishop of Rome to invade their temporal rights and "dominions; but that the See of Rome had always taught, that every attempt or "design against the lives of Kings and Princes, even under pretence of religion, "was a detestable crime."----Pius VII. readily declared to Bonaparte his assent to sign that resolution of the Clergy of France made in 1682, which contains a most decided declaration of the Independence of the Temporal Power in all civil concerns.----The present Pope Leo XII. in a Letter addressed to the President of the United States of Mexico, dated January 29, 1825, declining to interfere in their disputes with the Mother Country, uses these expressions: "Our peculiar cha- "racter, and the dignity to which, without the least merit, we are raised, exact "of us, that we interfere not with any thing unconnected with the Church."---- Again, in his Encyclical Letter to the Prelates of Christendom in 1824, he expresses that "on civil matters he does not treat."

H. H.

" or that the Supremacy of the Pontiff should authorize depriving " them of their crowns, and delivering them over to the mercy of the " populace, is a doctrine entirely without foundation, either in the " Gospel, or in Apostolic Tradition, or in the writings of the Doctors, " or the example of the holy personages who have illustrated the " purest times of Christian Antiquity.

" For these causes, We the undersigned Cardinals, Archbishops, " and Bishops, deem it a duty We owe to the King, to France, and " to the Divine Ministry which is confided to us, and to the true " interests of Religion in the different states of the Christian world, " to declare that We reprobate those injurious assertions, by which " the maxims and the memory of our predecessors in the Episcopacy " have been attempted to be sullied; and that We remain inviolably " attached to the doctrines which they have handed down to us, re- " specting the rights of Sovereigns, and their full and absolute Inde- " pendence, in Temporal Concerns, of the Authority, either direct or " indirect, of all Ecclesiastical Power whatever."

Keating and Brown, Printers, 38, Duke-street, Grosvenor-square.

ADDRESS

OF THE

CATHOLICS OF IRELAND

TO THE

People of England.

ENGLISHMEN, FELLOW-CHRISTIANS, AND FELLOW-COUNTRYMEN,—We, the Catholics of Ireland, at the commencement of a new Parliament, deem it our duty to ourselves and our country, again to appeal to the good sense and impartial feeling of our English Fellow-subjects against the unjust disqualifications under which we labour, for a conscientious adherence to our opinions, which, in our mind, we think are RIGHT.

FELLOW-CHRISTIANS,—Our religion is your religion, the religion of the Gospel of Jesus Christ. The first doctrine of our common Founder is peace and good will to all men—the golden rule of Christianity is to do unto others as we should wish that others should do unto us. If in aught we differ, we do it conscientiously and on conviction. We only exercise, like other Dissenters, that right of choosing for ourselves, which is the boast of the Reformation, and the basis of all Protestantism; and which, if you grant, as you ought to do, on your own principles, to all others, why should you singly refuse it unto us? Is it fitting that Christians, in the very centre of Christendom, should be less favoured than Atheists and Infidels, and that this injustice, positive, substantial, and extensive, should be permitted to endure against millions and generations, without any real or sufficient cause?

FELLOW-COUNTRYMEN,—In our own country we form a large majority of the population; and if Ireland, like other countries, were to be governed in the sense of the majority of its inhabitants, we should long since have been free. But the Legislative Union has incorporated us with England. We now form an integral portion of the British empire, and one-third of the whole State. A just Government, like a just man, will give in proportion as it receives. Is it then just, that paying the contributions of our blood and treasure, equally with every other British subject, we alone, of all British subjects, should be deprived of our portion of the protection, and security, and honours, of the British empire? Is it right that one-third of the population of any country should be held in comparative degradation for the gratification of the other two? Is such a country free—and is it fitting that such degradation and such injustice should endure for three centuries, against millions and generations, without any real or sufficient cause?

Is it not from our enemies, whose interest it is to calumniate, that they may more safely oppress us, that an estimate should be taken of our principles or conduct. Of our principles we ourselves are the best interpreters—of our con-

duct, the public at large. We leave to reasonable and thinking men the decision on both. We ask them fearlessly to examine, and then to judge, according to that examination, between the People of Ireland and their opponents.

There is no real or sufficient cause in our principles or conduct to exclude us from a full participation in all the privileges of a free state. There is nothing in the tenets of the Catholic, to disqualify him from enjoying freedom. Portugal is free—France is free—South America is free—and Portugal, France, and South America profess the tenets of the Catholics of Ireland. There is nothing in the tenets of British Catholics to disqualify them from a full enjoyment of British freedom. The British Constitution was founded by Catholics—can Catholics be indifferent to its support? We yield to no class in obedience to the laws, in attachment to the Sovereign, in honourable anxiety for the power, glory, and prosperity of the British empire. In every public and private situation, civil and military, of confidence and honour, we have equalled if not surpassed our professions. The very earnestness with which we now seek a re-admission into the Constitution, is the best proof how strongly we are attached to its principles, how deeply we appreciate its advantages and rights.

We have been accused of divided allegiance, subversive of the power of a Protestant Government, and of the rights of a Protestant people, of violating or equivocating on the sacred engagements of an oath, of preserving unchanged the spirit of persecution, which tainted all nations till the present enlightened era. We have disclaimed, and do disclaim each and all of these allegations—we disclaimed them in 1757, again in 1792—the six leading Universities of the Catholic world in 1788 disclaimed them—the chief of our Church, Pope Pius VI. in 1791, disclaimed them—our Bishops and Archbishops, on their solemn oaths before the Imperial Parliament, have emphatically and recently disclaimed them; and we cannot dispose of our property or execute any public trust, without in each instance disclaiming them.—We have sworn, and do swear as follows:

"I *A. B.* do hereby declare, that I do profess the Roman Catholic Religion."

"I *A. B.* do swear that I do abjure, condemn, and detest, as unchristian and impious, the principle that it is lawful to murder, destroy, or any ways injure any persons whatsoever, for or under the pretence of being a heretic: and I do declare solemnly before God, that I believe, that no act in itself unjust, immoral, or wicked, can ever be justified or excused, by or under pretence or colour that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is no article of the Catholic faith, neither am I thereby required to believe, or profess, that the Pope is infallible, or that I am bound to obey any order, in its own nature immoral, though the Pope, or any ecclesiastical power, should issue or direct such order: but on the contrary, I hold that it would be sinful in me to pay any respect or obedience thereto: I further declare, that I do not believe that any sin whatever committed by me, can be forgiven at the mere will of any Pope, or any Priest, or of any person or persons whatsoever, but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness, and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament: and I do swear that I will defend, to the uttermost of my power, the settlement and arrangement of property in this country, as established by the laws now in being: I do hereby disclaim, disavow, and solemnly abjure, any intention to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead; and I do solemnly swear, that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion and Protestant government in this kingdom. So help me God."

We have been accused of a divided allegiance. Why is not the same accusation pleaded against the Catholics of Russia and Hanover? We have denied the calumny, and the conduct of our ancestors justifies the denial. The Catholics of Ireland stood firm to the Protestant House of Brunswick in 1745, against the Catholic Pretender and the Roman Pontiff. Our oaths are regarded in the ordinary intercourse of life, as inviolate. Why are they not equally so by our country? Why should there be a different measure for us in and out of Parliament? If this accusation were grounded on fact, what would prevent many of our body at this moment, from legislating with, instead of supplicating the justice of either House of Parliament.

The spirit of persecution is not the spirit or doctrine, but the pervertion of the spirit and the doctrine of the Catholic Religion. In bad times, it has unfortunately tainted, more or less, every Christian denomination. If the Catholic persecuted the Protestant, the Protestant persecuted the Catholic—it was attack and retaliation, and if the Catholic persecuted longer than the Protestant, it was only because the Catholic was much longer in possession of power. Nor do we instance this from any desire or feeling of recrimination, but from a deep conviction that it is not to any form of religion that blame is to be attached, but lust of power, rousing and wielding the bad passions of the human heart, and which in all countries, we confidently trust, must sooner or later disappear before the progress of freedom, which is the due sense of mutual interest, and the gradual advance of civilization through all parts of the Globe.

In our own land, we are a proscribed people. We are excluded from all participation of the government, constituting, as we do, virtually and essentially, the Nation—we pay taxes which we have not imposed; we contribute to the upholding of establishments in which we can have no share; we pay double tithes, double church-rates, double cess; we are judged by tribunals in which we can have little control. Englishmen rebelled against the Ship Money and the Star Chamber. Would the Englishmen of the present day submit to this? Would Canada submit to it—would Hanover? And is Ireland to be worse governed than a foreign kingdom or a distant settlement? Would it not have been better for her to have been a colony, than as she is, a vital portion of this free Empire?

We do not desire power, but we claim eligibility. We desire that a Protestant Sovereign might have the means to avail himself of the services of *all* his people. We desire to enlarge the resources of the British Empire, to consolidate the liberties of the entire British nation. Is he an enemy to England who desires this? Is he a friend to England who opposes this desire?

If there were any danger likely to accrue by the admission of the Catholics of Ireland into the Constitution, that danger already exists amongst us. By the Act of 1793, we have already the natural elements of a first political influence—means of acquiring wealth—education to employ it—the elective franchise to render both available. Have we abused these powers—has the noble struggle of our Freeholders in aught diminished the sum of British liberty? Have the real interests of the country suffered? At home we have shown we are capable of upholding, not of injuring, British freedom; abroad, who could distinguish in the field of battle between the Protestant or Catholic soldier? Not the Frenchman, who yielded to our arms, nor the German or Spaniard, who fought beside us.

Why should the Protestant be alarmed at the admission of the Catholics into the Constitution? Does he apprehend in his own religion any principle of weakness which will yield in a fair and equal struggle? Does England dread that one-third of her Empire should absorb the other two, or that by the introduction into the Houses of Parliament of a few additional Members, the Religion, Crown, and Legislature of these realms will cease to be essentially and constantly Protestant?

The real danger is in things as they are, not in things as they may be; the Protestant suffers where the Catholic is aggrieved. England is endangered by the oppression and danger of Ireland. It has been stated before the Imperial Legislature that this country is one great mass of discontent. It is—we do not affect to conceal it; and though we will not allege as motives for better systems, the extreme cases, feared by all good men in either country, we cannot disguise the many intermediate states of injury to which Protestant and Catholic are equally exposed. Is it nothing that the empire should be taxed for our divisions, or that an enormous military force should not only consume the natural resources of the country, but by a circle the most vicious, draw even for assistance upon the contributions of England? Is it nothing for England, for the English and Protestant proprietor, to find his revenues decreased, his security diminished, his tenantry impoverished? Is it nothing for the Protestant, as well as Catholic merchant, to find the avenues of industry closed, the springs of national wealth dried up; capital, which is cast to every other quarter of the Globe, refused to us, and the British Empire altogether paralysed in one of its most important members? Of the sufferings of our People, privation, penury, starvation, fever, plague, and death, we say nothing; but we are too close to England not to spread in time the contagion of our misery. Our population already overflows upon her, so also will our wretchedness. We shall lower her, unless she can raise us. Is she prepared for this visitation; is she disposed to risk it for a theological difference, or to stand up, ere it be too late, and, by a just appreciation of her interests, as well as ours, to vindicate both by a single act of justice and generosity.

People of England—place yourselves, therefore, in our position, and reason with us. Look round to the rest of Europe, and judge for us. Is not every other Country but this, Catholic as well as Protestant, throwing aside its sectarian animosities, and, by a removal of all unequal laws, combining against the day of trial, which assuredly must come, all their subjects into one Free People. Shall England, the eldest born of European liberty, the centre of European civilization, cede the station which she held for so many centuries before mankind, to nations, whom, till this hour, she deemed, and justly deemed, her inferiors? We are in that critical moment when the danger of innovation has passed away, and the advantage of change is not yet too late. Let Ireland be in deed, as in word, the sister, but not the handmaid, of England; so shall we be united by a better bond than that of fear; by common liberties, mutual happiness, and the throne of these realms be fixed on the only lasting security for any throne—the spontaneous attachments and well-deserved loyalty of a combined and prosperous People.

Richard Grace, Printer, Mary-street, Dublin.

DECLARATION

OF THE

CATHOLIC BISHOPS,

THE

Vicars Apostolic and their Coadjutors

IN

GREAT BRITAIN.

LONDON:

KEATING AND BROWN, DUKE STREET, GROSVENOR SQUARE, AND PATERNOSTER ROW.

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PREAMBLE.

When we consider the misrepresentations of the Catholic religion, which are so industriously and widely propagated in this country, we are filled with astonishment. But our astonishment subsides, when we call to mind, that the character of Christ himself was misrepresented; he was charged with blasphemy, with breaking the sabbath, and with forbidding tribute to be paid to Cæsar;*—that the apostles and disciples of Christ were misrepresented,—they were charged with speaking blasphemous words against Moses and against God, with exciting sedition, and with many other grievous offences entirely devoid of proof,† and that misrepresentation was the general lot of Christians in the first ages of the church. The primitive Christians were first calumniated and held up to public contempt, and then persecuted and deprived, not only of their civil rights and privileges, but of their property, and even of their very lives. They were charged with idolatry, with horrid cruelties, and other flagitious crimes, even in their religious worship. In a word, their whole religion was described as a system of folly and superstition, grounded on no one rational principle.

St. Justin and Tertullian, in their Apologies for the Christian Religion, endeavoured to dispel these misrepresentations, by exhibiting the real doctrines and precepts, and explaining some of the sacred rites of the Christian religion. They showed that these injurious misrepresentations were, in many instances, the inventions of men, who, unable to withstand the evidences of the divine establishment of Christianity, endeavoured to excite prejudices against it in the minds of the people, by holding out its doctrines as absurd and impious, and its professors as the causes of every public calamity.

St. Augustin complained of the calumnies which were circulated against the Catholic church, by the Manicheans and Donatists in his age. He humbly confessed and lamented, that he himself had employed the same weapons against the church, when he was attached to the former of these sects,‡ and acknowledged that he then blindly, and rashly, and falsely, accused the Catholic church of doctrines and opinions which, he was at length convinced, she never taught, believed, or held.

The Catholics of Great Britain have to lament and to complain that the doctrines and religious rites which, as Catholics, they are taught by their church to believe and observe, have been long grossly misconceived and misrepresented in this country, to the great injury of their religious character and temporal interests.

* Matt., xxxvi. 65. Mark, iii. 22. John, ix. 16. Luke, xxiii. 2.

† Acts, vi. 11.—xxiv. 5.—xxv. 7.

‡ Gaudens erubui; non me tot annos adversus Catholicam fidem, sed contra carnalium cogitationum figmenta latrasse.

They are persuaded that many, who are opposed to them on account of their religion, suppose, without inquiry, that the Catholic church really teaches all that she is reported by her adversaries to teach; and imagine that she is responsible for every absurd opinion entertained, and for every act of superstition performed, by every individual who bears the name of Catholic.

We hope that all who are animated with a love of truth, and with sentiments of Christian charity, will be disposed willingly to listen to the sincere declarations of their Catholic fellow-countrymen, and will never impute to their religion, principles or practices which, as Catholics, they do not hold or observe, and which their church condemns as errors or abuses.

In this hope and persuasion, the British Catholics have made repeated declarations of their religious doctrines, and have shewn, they trust to the satisfaction of all who have paid attention to them, that they hold no religious principles, and entertain no opinions flowing from those principles, that are not perfectly consistent with the sacred duties which, as Christians, they owe to Almighty God; with all the civil duties which, as subjects, they owe to their sovereign and the constituted civil government of their country; and with all the social duties which, as citizens, they owe to their fellow-subjects, whatever may be their religious creed.

They had flattered themselves that the numerous and uniform expositions of their religious doctrines, given in public professions of the Catholic faith, in Catholic catechisms, in various authentic documents, and in declarations confirmed by their solemn oaths, would have abundantly sufficed to correct all misrepresentations of their real tenets.

But they have to regret, that some grievous misconceptions, regarding certain points of Catholic doctrine, are, unhappily, still found to exist in the minds of many, whose good opinion they value, and whose good-will they wish to conciliate. To their grief they hear, that, notwithstanding all their declarations to the contrary, they are still exhibited to the public as men, holding the most erroneous, unscriptural, and unreasonable doctrines —grounding their faith on human authority, and not on the word of God— as enemies to the circulation and to the reading of the Holy Scriptures—as guilty of idolatry in the sacrifice of the mass, in the adoration, as it is called, of the Virgin Mary, and in the worship of the saints, and of the images of Christ and of the saints; and as guilty of superstition in invoking the saints, and in praying for the souls in purgatory;—as usurping a divine power of forgiving sins, and imposing the yoke of confession on the people—as giving leave to commit sin by indulgences—as despising the obligation of an oath —as dividing their allegiance between their king and the pope—as claiming the property of the church establishment—as holding the uncharitable doctrine of exclusive salvation, and as maintaining that faith is not to be kept with heretics.

We are at a loss to conceive, why the holding of certain religious doctrines, which have no connexion with civil or social duties, whether those doctrines are taken in the sense in which they are misconstrued by others, or in the sense in which they are uniformly understood by Catholics, should be made a subject of crimination against British Ca-

tholics, by those who assume to themselves liberty of thinking what they please, in matters of religious belief. It is difficult to understand, why doctrines purely religious, in no wise affecting the duties which Catholics owe to their sovereign or to civil society, should be brought forward at all when the question relates only to the civil rights and privileges which they claim as British subjects. It is much to be wished that those who declaim against what they call the errors and superstitions of popery, would first learn from Catholics themselves, by inquiry, what their real doctrines are, on the points above alluded to, and in what sense Catholics understand the terms by which their doctrines are expressed. They would perhaps find that they have been hitherto contending, not against the Catholic faith, but against the fictions of their own imaginations, or against their own misconstructions of the language of the Catholic Church.

Though we might refer to former expositions of the faith of Catholics, which we deem amply sufficient to correct the misconceptions, and to refute the misrepresentations of our doctrines; yet, it having been stated to us, that by publishing at the present time, a plain and correct declaration of our real tenets, on those points which are still so much misrepresented, or misconceived, a better understanding may be established among his Majesty's subjects, and the advancement of religion and charity may be effected; hence, we, the undersigned Catholic Bishops, the Vicars Apostolic and their Coadjutors in Great Britain, have thought it our duty to publish the following declaration, in the hope, that it will be received by all who read it, with the same love of truth, and the same good-will, with which it is given.

SECTION I.

On the General Character of the Doctrines of Faith professed by the Catholic Church.

The doctrines of the Catholic Church are often characterized as *erroneous, unscriptural, and unreasonable.*

All those doctrines, and only those doctrines, are articles of Catholic faith, which are revealed by Almighty God.

Whatsoever is revealed by God, who knows all things, as they are in themselves, and who cannot deceive us, by teaching falsehood for truth, is most true and certain; though it may entirely surpass the comprehension of created minds.

On the authority of divine revelation, the Catholic believes, as doctrines of faith, that in one God there are three distinct persons, the Father, the Son, and the Holy Ghost; that Jesus Christ, who died on the cross for the salvation of all mankind, is the second person of the Blessed Trinity, true God and true Man; that there is no remission of sin, nor salvation but through him; that the sacraments of baptism and penance are divinely appointed means for the remission of sin; that in the mass, a true, proper, and propitiatory sacrifice is offered to God for the living and the dead; that the souls detained in purgatory are helped by the suffrages of the faithful;

that the saints reigning together with Christ, are to be honoured and invocated; that at the last day our bodies will be raised from death, and that Christ will come to judge all men according to their works; that eternal happiness will be the reward of the good, and eternal misery the punishment of the wicked.

If these, and other doctrines of Catholic faith, are really revealed by Almighty God, they are not erroneous, but most true and certain—they are not unscriptural, but agreeable to the true sense of the written word of God—the belief of them is not unreasonable, because it is reasonable to believe whatever is true, and taught by the God of truth.

The Catholic is fully persuaded that all the articles of his faith are really revealed by Almighty God.

Is he not at liberty to think so, as well as others are to think the contrary; and in this empire especially, where liberty of thought is so loudly proclaimed and lauded? Is it reasonable or charitable to condemn him for thinking so, when he may have good and solid grounds for his conviction, and may feel that his eternal salvation depends on his firm belief of all the doctrines which Christ has taught?

SECTION II.

On the grounds of the certitude which a Catholic has, that all the Doctrines which he believes, as articles of Catholic Faith, are really revealed by Almighty God.

CATHOLICS are often charged with grounding their faith *on mere human authority, and not on the word of God.*

Catholics deny this, because they are convinced, that their faith is grounded on the word of God, proposed to them by the authority of that ministry, which Christ established, and appointed to teach his revealed doctrines to all nations.

The Catholic believes all those doctrines, which God has revealed.

The question, *what* are those doctrines, which God has revealed, is a question of FACT. It appears reasonable that the existence of a *fact* should be ascertained by the evidence of *testimony.*

The body of the doctrines, precepts, and institutions, which were delivered by Christ to his apostles, constitutes the new or the Christian law; as the body of the doctrines, precepts, and institutions, which were delivered by the Almighty to Moses, constituted the old law.

The true and certain knowledge of what is commanded by any law, is generally communicated and obtained by the authoritative *promulgation* of the law.

By the ordinance of God, the doctrines and precepts of the old law were made known to the Israelites and Jewish people, by Moses, and the priests in succession, till the end of the law.

By the ordinance of God, the doctrines and precepts of the new law were to be made known to all nations, in all ages, by the apostles and their successors, to the consummation of the world.

On the spiritual authority of the apostles and their successors, who were divinely commissioned to promulgate and teach the law of Christ to all nations; and on the uniform and universal testimony, belief, and practice of all Christian Churches from the beginning, the certitude of the Catholic is grounded, that all the doctrines which he believes, as articles of Catholic Faith, and all the sacred precepts and rites, which he observes, as the ordinances of Christ, were really revealed and instituted by Almighty God; and are the same, as were originally delivered by Christ to his apostles, and by them promulgated over all nations.

The Catholic is fully satisfied, that this method which he follows, for ascertaining *what* are the revealed doctrines of divine faith, is the right rule, and that it leads him to the unity of truth.

Is he not at liberty to follow a rule which gives such satisfaction and security to his mind?

Is it fair for others who, by following a different rule, are led into a countless variety of contradictory doctrines on matters of Christian belief, to disturb the tranquillity of the Catholic on this head, or to condemn him, for his submission to the authority of a ministry, which he is convinced was established by Christ for the purpose of bringing all nations to the certain knowledge of his law, and to the unity of faith? Is not this rule perfectly natural and reasonable? Can any human legislator condemn the principle and rule of the Catholic in this regard?

SECTION III.

On the Holy Scriptures.

In England the Catholic church is held out *as an enemy to the reading and circulating of the Holy Scriptures.*

Whereas the Catholic Church venerates the Holy Scriptures as the written part of the word of God; she has in all ages been the faithful guardian of this sacred deposit; she has ever laboured to preserve the integrity of these inspired writings, and the true sense, in which they have been universally understood, at all times from the Apostolic age.

The Catholic Church has never forbidden or discouraged the reading or the circulation of authentic copies of the sacred Scriptures, in the original languages. She binds her Clergy to the daily recital of a canonical office, which comprizes a large portion of the sacred volume, and to read and expound to the faithful, in the vernacular tongue, on Sundays, the epistle or gospel of the day, or some other portion of the divine law.

As to translations of the Holy Scriptures into modern languages, the Catholic Church requires that none should be put into the hands of the faithful but such as are acknowledged by ecclesiastical authority to be accurate, and conformable to the sense of the originals. There never was a general law of the Catholic Church prohibiting the reading of authorized translations of the Scriptures; but, considering that many, by their ignorance and evil dispositions, have perverted the meaning of the sacred text to their own destruction, the Catholic Church has thought it prudent to make a regulation, that the faithful should be guided in this matter by the advice of their respective Pastors.

Whether the Holy Scriptures, which ought never to be taken in hand but with respect, should be made a class-book for children, is a matter of religious and prudential consideration, on which the Pastors of the Catholic Church have a right to decide with regard to their own flocks; and we hold that in this matter none have a right to dictate to them.

The Catholics in England, of mature years, have permission to read authentic and approved translations of the Holy Scriptures, with explanatory notes; and are exhorted to read them in the spirit of piety, humility, and obedience.

Pope Pius VII., in a Rescript dated April 18, 1820, and addressed to the Vicars Apostolic in England, earnestly exhorts them to confirm the people committed to their spiritual care, in faith and good works; and for that end, to encourage them, to read books of pious instruction, and particularly the Holy Scriptures, in translations approved by ecclesiastical authority; because, to those who are well disposed, nothing can be more useful, more consoling, or more animating, than the reading of the sacred Scriptures, understood in their true sense—they serve to confirm the faith, to support the hope, and to inflame the charity of the true Christian.

But when the reading and the circulation of the Scriptures are urged and recommended as the entire rule of faith, as the sole means by which men are to be brought to the certain and specific knowledge of the doctrines, precepts, and institutions of Christ; and when the Scriptures so read and circulated are left to the interpretation and private judgment of each individual; then such reading, circulation, and interpretation, are forbidden by the Catholic Church, because the Catholic Church knows, that the circulation of the Scriptures, and the interpretation of them by each one's private judgment, was not the means ordained by Christ for the communication of the true knowledge of his law to all nations—she knows that Christianity was established in many countries before one book of the New Testament was written—that it was not by means of the Scriptures, that the Apostles and their successors converted nations, or any one nation to the unity of the Christian faith—that the unauthorized reading and circulation of the Scriptures, and the interpretation of them by private judgment, are calculated to lead men to contradictory doctrines on the primary articles of Christian belief; to inconsistent forms of worship, which cannot all be constituent parts of the uniform and sublime system of Christianity; to errors and fanaticism in religion, and to seditions and the greatest disorders in states and kingdoms.

SECTION IV.

On the Charge of Idolatry and Superstition.

IGNORANCE or malice has gone so far as to charge the Catholic Church with IDOLATRY, *in the sacrifice of the Mass—in the adoration* (as it is called) *of the Virgin Mary, and in the worship of the Saints, and of the images of Christ and of the Saints;* and with SUPERSTITION, in *invoking the Saints,* and *in praying for souls in purgatory.* Now idolatry consists

in giving to any creature that supreme adoration, honour, or worship which is due only to Almighty God.

The Catholic Church teaches that idolatry is one of the greatest crimes that can be committed against the majesty of God: and every true member of this church shudders at the idea of such a crime, and feels grievously injured by so horrid an imputation.

But it is said that Catholics adore the elements of bread and wine in the Mass; that they adore the Virgin Mary; that they adore the cross; and that they worship the saints and the images of Christ and of the saints. Before we repel these horrid imputations, in the sense in which they are made, we must explain the different meanings of the words *adoration*, *honour*, and *worship*, that the calumnious charge, and its denial, may be understood in the same explained sense.

We find that in the language of the sacred Scripture, in Hebrew, Greek, and Latin,* as well as in the language of the ancient liturgies of the Christian church, these words, adoration, honour, and worship, are ambiguous terms, and are used in different senses, according to the nature of the object to which the act, implied by the term, is directed, and according to the intention of him, who performs the act. Hence we find them used as relating, sometimes, to God, and sometimes to creatures. Although, in modern times, the exclusive idea of that supreme homage, which is due only to God, is attached by some to the words *adoration* and *worship*; yet these words may still be retained by others, in a different meaning, without affording the remotest cause for the imputation of idolatry. In this different meaning they are still retained, in the unchanged language of the ancient liturgies used in the Catholic Church.

The words *adoration* and *worship* are equally referred, sometimes to God, and sometimes to creatures, as is the word *honour*. Now because we are commanded in scripture to *honour* God, and to *honour* the king; and children are commanded to *honour* their parents: it does not follow that the honour due to the king, or to parents, is the same as that which we owe to God. To God we owe supreme and sovereign honour, such as it would be a crime to pay to any creature. To the king, we owe the highest civil honour. To parents, children owe the honour of filial respect and obedience. How unjust would it be to say, that because a subject honours his king, he pays him that supreme and sovereign honour which is due only to God! The same is to be said of the terms *adoration* and *worship*, as used in former times, and sometimes used at present in the language of the Catholic church. To *adore*, even according to modern usage, often means no more than to express extreme affection or respect. To *worship* (in the translation of the Bible, published at Oxford) is therein used to signify inferior as well as supreme worship. In the first book of Chronicles, xxix. 20, we read in that edition, that the assembly *bowed down their heads and*

* See in Hebrew (Prov. iii, 9, and Exod. xx, 12), (Deut. xxviii, 47 and 48). (Ps. xcvi, 9, and 1, alias 3d Kings i, 23.) In Greek, Gen. xxiv, 26, and Gen. xlix, 8. In Latin Adorare, Ps. xxviii, 2, and Gen. xxiii, 7, and 4th alias 2 Kings xvii, 15.

WORSHIPPED *the Lord* (Jehovah) *and the king.*' Did they worship the king, with the same supreme worship which they paid to God? Certainly not. When a man says to the woman he takes to wife, "with my body I thee *worship*," can this be called idolatry? Surely nothing can be more unfair than arguments drawn from ambiguous terms, construed in a sense disavowed by those, against whom the arguments are employed.

We answer therefore, that if by the terms *adoration*, *honour*, and *worship*, be understood that *supreme* adoration, honour, and worship which is due only to God; Catholics do not adore, nor honour, nor worship any other, than the one, only, true, and living God, the Creator and Sovereign Lord of the universe: they do not, in this sense, adore, nor honour, nor worship the Virgin Mary, nor any of the saints, nor the cross, nor images, nor any other creature whatsoever.

In the Mass, Catholics do offer supreme adoration, not to the elements of bread and wine, which they hold not to be present after the consecration; but to Jesus Christ, the Son of God, whom they believe to be truly, really, and substantially present, under the appearances only of bread and wine, after the consecration, and change thereby of the elements into his body and blood. To adore Christ, by an act of supreme adoration, is no idolatry; because he is truly God, and consequently a legitimate object of supreme worship.

But if Catholics, using the ancient language of the Christian church, are said,

1st. To *worship* the saints; this worship must be understood to be only an *inferior* worship, honour, and respect, paid to them proportionate to the limited perfections and excellencies which God has bestowed upon them, but this worship is infinitely below that supreme worship which they pay to God. Catholics acknowledge no perfection or excellence in any Saint, not even in the Blessed Virgin Mary, which they do not profess to be the work and gift of God in them. So that in honouring the Saints, they celebrate the works of God, and consequently give glory to him. Whatever act of religious veneration we pay to the Saints, is ultimately referred to God.

2d. To *adore* the cross: this word, if applied to the cross itself, means no more than an inferior and relative respect paid to the instrument of our redemption; but if in view of the Cross it be applied to Christ himself, then it means, as it ought to mean, an act of supreme adoration.

3d. To *worship* the images of Christ or of the Saints: the word is here again understood by Catholics only of an *inferior* and relative respect shewn to images, in consideration of the respect due to the objects which they represent, and to which the respect, shewn to the images, is referred. In this sense respect is shewn to the statue or to the throne of the King, in consideration of the majesty of the personage to whom they relate. An insult offered to his statue would be considered as intended to be offered to the king himself. In this sense a son respects the image or picture of his parent; a parent that of his child; a friend that of his friend; not for any intrinsic virtue in the material substance or work of art, but because it relates to, and brings to his mind, the object of his respect and affection.

To condemn this relative regard for images, or pictures, would be to condemn the very feelings of nature. To charge the Catholic with idolatry, be-

cause the term *worship*, meaning only an *inferior* and *relative* regard, is found in the ancient and modern liturgies of his church, is not consistent with candour or charity.

The charge that the Catholic church sanctions the praying TO images, is a calumny, and carries with it an imputation of stupidity too gross to be noticed. Catholics sometimes pray BEFORE images, because they serve to collect their thoughts, and fix their attention in their meditations and prayers; but they are not, on that account, to be supposed to be so void of reason and sense as to pray TO the image: for they know that in it there is no virture or power; and that it can neither see, nor hear, nor help them.

Catholics do solicit the intercession of the angels and saints reigning with Christ in heaven. But in this, when done according to the principles and spirit of the Catholic church, there is nothing of superstition, nothing which is not consistent with true piety. For the Catholic church teaches her children not to pray to the saints, as to the authors or givers of divine grace; but only to solicit the saints in heaven to pray for them, in the same sense as St. Paul desired the faithful on earth to pray for him.

Catholics, according to the faith and pious practice of the Christian Church from the age of the Apostles, do pray for the release and eternal rest of departed souls, who may be detained for a time in a state of punishment on account of their sins, but in this we cannot discover even the shadow of superstition.

By invoking the intercession of the Saints in heaven, and by praying for the suffering souls in purgatory, Catholics exercise acts of that communion of charity, which subsists between the members of the mystical body of Christ: the principle of which communion they profess to believe, when they say, "I believe the holy Catholic church, *the communion of Saints.*"

After this explanation and declaration, we hope that our countrymen will never be so unjust or so uncharitable, as to charge Catholics with idolatry or superstition, nor be so illiberal as to attempt to give a colour to these injurious charges, by fixing an exclusive meaning to terms, which, in the language of Scripture, Christian antiquity, and common usage, bear different senses in different circumstances.

SECTION V.

On the power of forgiving Sins, and the precept of Confession.

THE Catholic church is charged with impiety, *in usurping the power of forgiving sins*, and with spiritual tyranny, in imposing on the people *the yoke of confession.*

The Catholic church cannot be charged with impiety, for exercising powers given by Christ to his Apostles and to their lawful successors; nor with tyranny, in enforcing the observance of the precept of Christ.

Catholics believe that Christ granted to his Apostles, and to the Priests of his Church, power to forgive sins, by the administration of the sacraments of baptism, and penance, to those who are duly disposed to receive this grace. They believe that the sacrament of penance is an institution of Christ, no less than the sacrament of baptism. The belief of both rests on the same foundation.

In both these sacraments, sin is forgiven by the ministry of man. *Be baptized every one of you, for the remission of sins,* Acts, ii, 38; *whose sins* YOU SHALL FORGIVE, *they are forgiven,* John, xx, 23. But no actual sin can be forgiven at the mere will of any Pope, or any priest, or any person whomsoever, without a sincere sorrow for having offended God, and a firm resolution to avoid future guilt, and to atone for past transgressions. Any person who receives absolution without these necessary dispositions, far from obtaining the remission of his sins, incurs the additional guilt of hypocrisy and profanation.

The obligation of sacramental confession to a priest is not an imposition of the church, but a precept of Christ. Without the voluntary confession of the penitent, the power of forgiving, or retaining sins, could not be exercised, with discretion and judgment, by the minister of the sacrament of penance. The confession of sins could never have been introduced, had it not been received from the beginning as a divine ordinance for the remission of sin. It has been practised from the earliest ages of Christianity. It is attended with the most salutary effects. Besides being a means of obtaining the remission of sin, it affords relief to the troubled conscience, and opportunities of reclaiming deluded sinners from mischievous projects, and of causing reparation to be made for injuries done to persons, property, or character. It may be ridiculed by such as *blaspheme those things which they know not* (2 Pet. ii, 12), but will be ever cherished as a merciful and salutary institution, by those who are sincerely sorry for their sins, and earnestly sue for pardon.

SECTION VI.

On Indulgences.

THE Catholic Church is charged with encouraging guilt, by *giving leave to commit sin, and granting an anticipated pardon for sins to come by indulgences.*

The Catholic church rejects with abhorrence the imputation, that by granting an indulgence, she grants permission to commit sin, or a pardon for sins to come. An indulgence, in the sense of the Catholic church, is no pardon for sin at all; it is only a remission of the whole or of a part of the temporal punishment, which the justice of God often reserves to be undergone by the sinner, after the guilt of the sin has been remitted. The power of granting the remission of this temporal punishment was given by

Christ to St. Peter and his successors, and has been exercised from the earliest ages. An indulgence, so far from exempting sinners from works of penance and piety, is an encouragement to the performance of such works, since they are prescribed as conditions for gaining the benefit of an indulgence.

Surely, therefore, the doctrine of the Catholic church concerning the sacrament of penance, confession and indulgences, does not tend to relax Christian morality, nor to encourage guilt, nor facilitate the commission of crime; but rather to put an end to sin, and to promote the exercise of every Christian virtue amongst men.

SECTION VII.

On the Obligation of an Oath.

CATHOLICS are charged with holding that *they are not bound by any oath, and that the Pope can dispense them from all the oaths they may have taken.*

We cannot sufficiently express our astonishment at such a charge. We hold that the obligation of an oath is most sacred: for by an oath man calls the Almighty searcher of hearts to witness the sincerity of his conviction of the truth of what he asserts; and his fidelity in performing the engagement he makes. Hence, whosoever swears falsely, or violates the lawful engagement he has confirmed by an oath, not only offends against truth, or justice, but against religion. He is guilty of the enormous crime of perjury.

No power in any Pope, or council, or in any individual or body of men, invested with authority in the Catholic church, can make it lawful for a Catholic to confirm any falsehood by an oath; or dispense with any oath, by which a Catholic has confirmed his duty of allegiance to his sovereign, or any obligation of duty or justice to a third person. He who takes an oath is bound to observe it, in the obvious meaning of the words, or in the known meaning of the person to whom it is sworn.

SECTION VIII.

On allegiance to our Sovereign and obedience to the Pope.

CATHOLICS are charged with *dividing their allegiance between their temporal sovereign and the Pope.*

Allegiance relates not to spiritual but to *civil* duties; to those temporal tributes and obligations, which the subject owes to the person of his sovereign, and to the authority of the state.

By the term *spiritual*, we here mean that, which in its nature tends *directly* to a *supernatural* end, or is ordained to produce a *supernatural* effect. Thus the office of teaching the doctrines of faith, the administration

of the sacraments, the conferring and exercising of jurisdiction purely ecclesiastical, are *spiritual* matters.

By the term *temporal*, we mean that which in its nature tends *directly* to the end of *civil* society. Thus the right of making laws for the civil government of the state, the administration of civil justice, the appointment of civil magistrates and military officers, are *temporal* matters.

The allegiance which Catholics hold to be due and are bound to pay to their sovereign, and to the civil authority of the state, is perfect and undivided. They do not divide their allegiance between their sovereign and any other power on earth, whether temporal or ecclesiastical. They acknowledge in the sovereign, and in the constituted government of these realms, a supreme civil and temporal authority, which is entirely distinct from, and totally independent of the spiritual and ecclesiastical authority of the Pope and of the Catholic church. They declare that neither the Pope nor any other prelate or ecclesiastical person of the Roman Catholic church, has in virtue of his spiritual or ecclesiastical character, any right, directly or indirectly, to any civil or temporal jurisdiction, power, superiority, pre-eminence, or authority, within this realm; nor has any right to interfere, directly or indirectly, in the civil government of the United Kingdom, or any part thereof; nor to oppose, in any manner, the performance of the civil duties which are due to his Majesty, his heirs, and successors, from all or any of his Majesty's subjects; nor to enforce the performance of any *spiritual* or *ecclesiastical* duty, by any *civil* or *temporal* means. They hold themselves bound in conscience to obey the civil government of this realm, in all things of a temporal and civil nature, notwithstanding any dispensation or order to the contrary had, or to be had, from the Pope, or any authority of the church of Rome.

Hence we declare, that by rendering obedience in *spiritual* matters to the Pope, Catholics do not withhold any portion of their allegiance to their King, and that their allegiance is entire and undivided; the *civil* power of the state, and the *spiritual* authority of the Catholic church, being absolutely distinct, and being never intended by their Divine Author to interfere or clash with each other.

"Render unto Cæsar the things that are Cæsar's, and to God the things are God's."

SECTION IX.

On the claim of British Catholics to the property of the Church establishment in England.

British Catholics are charged with entertaining *a pretended right to the property of the established Church in England.*

We consider such a charge to be totally without foundation. We declare that we entertain no pretension to such a claim. We regard all the revenues and temporalities of the church establishment as the property of those on whom they are settled by the laws of the land. We disclaim any right, title, or pretension with regard to the same.

SECTION X.

On the Doctrine of Exclusive Salvation.

CATHOLICS are charged with *uncharitableness, in holding the doctrine of exclusive salvation.*

Catholics are taught by their church to love all men, without exception: to wish that all may be saved; and to pray that all may be saved, and may come to the knowledge of the truth, by which they may be saved.

If the Almighty himself has assigned certain conditions, without the observance of which man cannot be saved, it would seem to be an act of impiety to attempt to annul those divinely-established conditions: and an act of great uncharitableness towards a fellow-man, to tell him, that he may be saved, without complying with the conditions prescribed by the Almighty.

The doctrinal principle of exclusive salvation belongs to the law of Christ.

Has not Christ, who commands the belief of his revealed doctrines, pronounced, that he that *believeth not shall be condemned?* (Mark xvi, 16.) Has not Christ, who instituted baptism for the remission of sins, declared that *except a man be born again of water and of the Holy Ghost, he* CANNOT *enter into the kingdom of God?* (John iii, 5.) Has not St. Paul enumerated a list of crimes, such as adultery, idolatry, hatred, seditions, heresies, murders, drunkenness, &c., of which he declares, that *they who do such things, shall not obtain the kingdom of God?* (Galat. v, 21.) Are not these exclusive conditions?

Whoever professes the law of Christ must profess the *principle* and doctrine of exclusive salvation. It is not the Catholic, it is God himself who will exclude from Heaven those who are not duly qualified for it by faith and good works.

But the Catholic, whilst he is bound to admit, and with firm faith to believe, this doctrinal *principle*, is bound also by the divine commandment not to judge. He is not allowed therefore to pronounce sentence of condemnation on individuals, who may live and die out of the external communion of the Catholic Church: nor to pronounce sentence of condemnation against those who may die in an apparent state of sin. All those he leaves to the righteous judgment of the great searcher of hearts, who at the last day will render to every man according to his works.

But surely charity, as well as truth, must forbid one Christian to deceive another, in a matter of such infinite importance as the eternal salvation of his soul. He who should persuade his neighbour, that no condition for salvation is required on the part of man, would deceive him. He who admits that any one such condition is required by the Almighty, admits the *principle* of exclusive salvation.

SECTION XI.

On Keeping Faith with Heretics.

CATHOLICS are charged with holding the principle *that they are not bound to keep faith with Heretics.*

As Catholics, we hold and we declare, that all Catholics are bound by the law of nature, and by the law of revealed religion, to observe the duties of fidelity and justice to all men, without any exception of persons, and without any distinction of nation or religion.

British Catholics have solemnly sworn, that "they reject and detest that unchristian and impious principle, that faith is not to be kept with heretics or infidels."

After this, the imputation of their holding this principle, cannot but be felt by them as grievously injurious to their religious and moral character.

CONCLUSION.

HAVING, in the foregoing declaration, endeavoured to state, in the simplicity of truth, such doctrines of our church as are most frequently misrepresented or misunderstood in this country, and to explain the meaning in which Catholics understand the terms by which these doctrines are expressed in the language of their church; we confidently trust, that this declaration and explanation will be received by all our fellow-subjects, in a spirit of candour and charity; and that those who have been hitherto ignorant of, or but imperfectly acquainted with our doctrines of faith, will do us the justice to acknowledge, that, as Catholics, we hold no religious principles, and entertain no opinions flowing from those principles, which are not perfectly consistent with our duties as Christians, and as British subjects.

This declaration we, the undersigned, approve, and publish, as an exposition of our principles and doctrines, on the subjects to which it refers.

✠ WILLIAM, *Bishop of Halia, Vic. Apost. in the London District.*

✠ PETER BERNARDIN, *Bishop of Thespiæ, Vic. Apost. in the Western District.*

✠ THOMAS, *Bishop of Bolina, Vic. Apost. in the Northern District.*

✠ THOMAS, *Bishop of Cambysopolis, Vic. Apost. in the Midland District.*

✠ ALEXANDER, *Bishop of Maximianopolis, Vic. Apost. in the Lowland District in Scotland.*

✠ RANALD, *Bishop of Aeryndela, Vic. Apost. in the Highland District in Scotland.*

✠ PETER AUGUSTINE, *Bishop of Siga, Coadjutor in the Western District.*

✠ JAMES, *Bishop of Usula, Coadjutor in the London District.*

✠ THOMAS, *Bishop of Europum, Coadjutor in the Northern District.*

✠ ALEXANDER, *Bishop of Cybistra, Coadjutor in the Lowland District in Scotland.*

May, 1826.

KEATING AND BROWN, PRINTERS TO THE R. R. THE VICARS APOSTOLIC.

AN ADDRESS

FROM THE

British Roman Catholics

TO THEIR

PROTESTANT FELLOW COUNTRYMEN.

FELLOW COUNTRYMEN,

WE present to you a Declaration, drawn up and signed by those Ecclesiastics who, in this country, are the expounders of our Faith. We beg earnestly to call your attention to this document, which distinctly repudiates the obnoxious tenets imputed to us. The Irish Bishops have given a Declaration of Catholic Principles, similar in effect to this. We ask you, can you believe that we are joined in a perfidious league to deceive you? Are those amongst us who are linked with you by social habits and friendly intercourse; those, in whom you confidently trust in matters of high importance; and from whom you meet, in return, with integrity and fair dealing, to be considered honest on every other occasion, and capable of deep designing fraud and duplicity on this?

To our sense of the sacred obligation of an oath, (1) we daily sacrifice every object of ordinary ambition; is it in human nature that we can become perjured men in this solitary instance? We are accused of idolatry—we disclaim the imputation (2); of not keeping faith with heretics—we disclaim the imputation (3); of dividing the allegiance which is due to the King—we disclaim the imputation (4); of acknowledging in the Pope a deposing power—we disclaim the imputation (5); of believing that a priest can absolve from sin at his mere will and pleasure—we disclaim the imputation (6). Each and all of these opinions we most solemnly and most unequivocally disclaim.

Our religion is called a persecuting religion. We reply, that the Catholic religion, and the policy of Catholic states, are unfairly confounded; and if the ministers of the Catholic religion have, at any time, co-operated with the civil government, in measures of persecution, they forgot the divine precepts of their Founder, in attempting to prevent the introduction of sects by violence and injustice; and we condemn the deed. Are we to suffer for their misconduct? In the unholy race of persecution, which has been run

(1) See the declaration of the Catholic Bishops in Great Britain, sect. 7.
(2) Ibid. sect. 4. (3) Ibid. sect. 11. (4) Ibid. sect. 8.
(5) Ibid. sect. 8. (6) Ibid. sect. 5.

by various denominations of Christians at other times, in this or any other country, if members of the religion we profess were not exempt from blame, we deeply deplore their blind infatuation:—Why, then, are we to be punished for excesses in which we bore no part; which we as cordially condemn as you do; and for which *your* ancestors are not less liable to reproach than *our's?* If the professors of the Catholic faith were even *peculiarly* distinguished, in times long past, for their mistaken zeal (which we do not concede); the more deeply should we lament their errors; but let not the liberal Protestant, and the enlightened Catholic of the present day, allow themselves to be hurried, by prejudiced or interested men, into hatred of each other, and thus perpetuate dissension and religious bigotry, in the name of the God of charity and peace. We challenge calm inquiry into the practice of the present governments of Christendom, and we believe it will be found, on candid examination, that the principles of religious liberty are fully as well practised in Catholic, as in Protestant States.

We entreat you deeply to consider the effects of the example of the legislation of this country, on the various nations of the world. Above all, weigh well its consequences on the rising States of South America. We beg of you to keep constantly in view, what power of argument the continuance of these laws of exclusion, affords to every enemy of liberty, whether civil or religious, throughout the world.

We request you to put this question to your own minds—Is there another country in the world where, for conscience sake, several of the most ancient Nobles of the land are deprived of their hereditary privileges? Where hundreds of Gentlemen, possessors of ancient and large landed estates, are deprived of honours and rights, the usual attendants on birth and property? Where the industry of the Merchant, and the talent of the Lawyer, are checked in the midst of their respective careers? Where six or seven millions of the people are deprived of the benefit of equal chances under equal laws? And, as a proof of the direful, but natural effects of such a system of law, we implore you to look at Ireland—that island of genius and of fertility; behold her in all her nakedness and all her misery.

Our religion is said to be peculiarly proselyting. If to proselyte be to convince by the use of fair argument, then is ours a proselyting religion. As Englishmen, we claim the right of free discussion; and should be ashamed to call ourselves your fellow-subjects, could we forego this valuable privilege. But if to proselyte be to substitute force for argument, and to give premiums for apostacy and hypocrisy, such proselytism is a disgrace to any form of Christianity, and we solemnly abjure it. We entreat you to endeavour to divest your minds of preconceived impressions to our disadvantage, and calmly to examine the situation in which we stand. In a country boasting of peculiar liberality, we suffer severe privations because we differ from you in religious belief. The remaining penalties—neither few nor trivial—of a penal code of unparalleled severity, still press upon us: a Catholic Peer cannot sit and vote in the House of Peers, and is thus deprived of his most valuable birthright; a Catholic Commoner cannot sit and vote in the House of Commons; a Catholic Freeholder may be prevented from voting at Elections for Members; a Catholic cannot sit in the Privy Council, or be a Minister of the Crown; he cannot be a Judge, or hold any Crown office in any of the

Spiritual, Equity, or Common Law Courts; he may practice at the Bar, but, he cannot become a King's Counsel; he cannot hold any office in any of the Corporations; he cannot graduate at either of the two Universities, much less enjoy any of the numerous beneficial offices connected with them, although both of those seats of learning were founded by Catholics; he cannot marry either a Protestant or a Catholic, unless the ceremony be performed by a Protestant Clergyman; he cannot settle real or personal property for the use of his church, or of Catholic schools, or for any other purposes of the Catholic religion; he cannot vote at Vestries, or present to a living in the church, though both of those rights seem to appertain to the enjoyment of property, and may actually be exercised by infidels.

Such are our principal grievances; but more than all we complain of the galling brand of disgrace which is the consequence of these disqualifications; which is more intolerable to honourable minds, than the severest pressure of penal infliction, and necessarily implies guilt on our part, or injustice upon yours.

From early youth, to the last stage of existence, we are doomed to bear about us a painful feeling of inferiority, and of undeserved reproach. It is to us, no matter of surprise that tales, which malevolence invented in troubled times, which party zeal propagated, and which, in many instances, were sanctioned by the forms, though not by the reality of justice, should be perpetuated even to this hour; and that a general mass of prejudice should have been created, requiring centuries to remove. The infant is taught, with his first accents, to impugn our Faith; his education matures his early impressions, and he remains through life the creature of prejudice. Persons possessed of the most honourable feelings, and incapable of sanctioning injustice or deceit, are thus drawn in to become our opponents. WE beseech all such attentively to investigate, before they finally condemn. We invite all to the cool consideration of our principles; because we know that they will bear the test of the closest enquiry. If there be persons who barter principle for place, trade in our degradation, and encourage prejudices which they despise,—if such there be, they are not more *our* enemies than *yours*; and be it our mutual task to unveil them, that religion, the child of heaven, may not be disfigured by human passions, nor infidelity find an ally in our want of charity to each other.

Bearing equally with you our fellow subjects, the burthens of the country, and upholding equally its institutions, and its glory, we claim to be admitted to a full participation in all the rights of British subjects.—Every principle or practice hostile, in the remotest degree, to those institutions, we most explicitly disclaim. Year after year we repeat the humiliating task of disavowal; still we suffer the penalties of guilt. We ask you is this to endure for ever? Are we always to remain the victims of misplaced suspicion? The doors of the Constitution are shut against us, as long as we continue true to the dictates of our consciences; but if we abandon the Faith of our fathers, resign every honourable feeling, and become perjured men and apostates, then are all our disqualifications removed; the sanctuary of the British Constitution is thrown open to us; we become senators, privy-counsellors, nay, guardians of the morals of the people, and dispensers of public justice. God forbid we should purchase such distinctions, however

valuable, at the price of dishonour. In the hour of danger, when our country needs it, we mingle our blood with yours. We desire no ascendancy, religious (7) or political. If our country falls, we ask to fall with her; if she prospers, we claim to share her prosperity.

The above Address was read and adopted at the Annual General Meeting of the British Catholic Association, held on the 1st of June, 1826.

Norfolk, E. M.
Surrey.
Shrewsbury.
Kinnaird.
Stourton.
Petre.
Stafford.
Clifford.
Charles Stourton.
H. V. Jerningham.
Hugh Chas. Clifford.
E. M. Vavasour.
Charles Langdale.
Philip Stourton.
Edward Petre.
Charles Clifford.
Wm. Gerard, Bart.
Hy. Jos. Tichborne, Bart.
George Throckmorton, Bart.
Edward Blount, Bart.
Henry Webb, Bart.
Richard Bedingfeld, Bart.
Edward Smythe, Bart.
Clifford Constable, Bart.
Francis Cholmeley.
Henry Howard, of Corby.
Philip Henry Howard.
Charles Tempest.
John Rosson.
Michael Joseph Quin.
George Meynell.
W. K. Amherst.
Charles Turvile.
John Wright.
Michael Jones.
Wm. Witham.
Justin Fitzgerald.
John Stanton
Joseph Ireland.
Charles Courtenay.
Robert Throckmorton.
John Gage.
Joseph Francis Tempest.
Thomas Stapleton, Jun.
Charles Butler.
Charles Eyston.
Wm. Blount.
Edward Doughty.
Ralph Riddell.
Edward Widdrington Riddell.
Thomas Riddell.
Charles Conolly.
Henry Robinson, Jun.
Wm. Plowden.
George Silvertop.
Henry Englefield.
Marlow Sidney.
Peregrine Edward Towneley.
John Jones.
William Jones.
Richard Huddleston.
Thomas Stapleton.
Chas. Gregory Fairfax.
Robt. Berkeley, Jun.
John Clavering, of Callaly.
Thomas Molyneux Seel.
Edward Blount.
Thomas Fitzherbert.
Robert Selby.
Henry Arundell.

(7) Declaration of the Catholic Bishops in Great Britain, sect. 9.

LONDON:
Printed by Keating and Brown, Duke Street, Grosvenor Square.

THE

REMEDY;

A LETTER TO DOCTOR DOYLE,

ROMAN CATHOLIC BISHOP OF KILDARE AND LEIGHLIN,

IN REPLY TO A WORK,

ENTITLED

"AN ESSAY ON THE CATHOLIC CLAIMS."

"Discretion of speech is more than eloquence."—BACON.

LONDON:

HUNT AND CLARKE; YORK STREET, COVENT GARDEN.

1827.

London:—Printed by W. Gilbert, Sulters-hall Court, Cannon Street.

TO

RICHARD COLLEY,

MARQUIS WELLESLEY,

LORD LIEUTENANT OF IRELAND,

&c. &c. &c.

THE FOLLOWING PAGES,

ARE INSCRIBED,

AS A FAINT,

BUT NOT SOLITARY,

TESTIMONY OF PROFOUND RESPECT,

BY

THE AUTHOR.

282.415
Rem/R.

PRELIMINARY OBSERVATIONS.

THE object of the following pages is simply to refute an assertion put forward in a late work by Dr. Doyle, Roman Catholic Bishop of Kildare and Leighlin, in Ireland—that the Pope does not claim, or possess any temporal influence over the Roman Catholic subjects of other states. I have gone something beyond the mere refutation of that statement, for I have attempted to prove, that the existence of such influence argues an additional necessity for conceding emancipation to the Catholics. In doing so I was fully impressed with the novelty of my view, and quite assured that I might array against my proposition the prejudices that exist at both sides of the question; but truth is not the less forcible because new, nor the less important because resisted by two extremes. Unhappily for the Catholic question it has been too long connected with mistaken disclaimers that the prejudiced do not believe, nor the reflecting require, and which, although intended to conciliate opposition, have only provoked bigotry. The claim

to civil rights is not forfeited by false theology—or Wilberforce was wrong in wasting his energies and eloquence on the Slave Trade. The Catholics in their anxiety for freedom have denied doctrines that actually exist, and I am therefore desirous to shew that the worst which can be said of their religion not only does not implicate their political question, but furnishes fresh motives in its favor. Many honest men who object to the Catholic tenets, also object, in the same proportion, and for the same reasons, to emancipation :—those require to be informed that there exists no injurious connection between them, and that toleration is the most certain way to conversion. Others who find the Catholics hastily rejecting opinions they are pledged by their faith to hold, infer the danger of granting civil privileges to men who, for a sinister object, violate religious obligations:—those require to be shewn that the desire of liberty is stronger than the bonds of superstition; and that if an excluded people anticipate the effects of freedom, they are worthy to enjoy them.

Whatever errors may be alleged against their religion, and however fully it may be admitted that religion forms a strong motive of action, yet I think it will be found that the increase of instruction has diminished, if not obliterated, the only dangerous parts of their creed, and that when their *religion* ceases to be their *party*, it will cease to be considered as the symbol of disaffection. True it is that certain Roman

Catholic tenets are associated with intolerance, perhaps persecution: true it is that some of their councils are atrocious in principle: but if danger is to be apprehended from these theological daggers when emancipation is *granted*, what security is there against the same danger while emancipation is *withheld?* The system which withholds it, superadds to a political religion (if it be one) the stimulus of revenge, while it forces upon *you*, the supporters of that system, the necessity of protecting the privileged, whom you thus expose to the hatred of the excluded. For the danger which, you say, exists, we, the friends of a liberal system, propose our remedy: before you reject it be prepared with a remedy of your own, since it is you, and not we, who alarm the country with the cry of disaffected tenets, and revolutionary intrigues. But the truth is, the danger is chimerical—if it were not, a corrective must have been long since applied. The Catholic church has adapted itself, and is adapting itself to the spirit of the age. It can no longer massacre under the pretence of sanctity, or dethrone in the name of a spiritual potentate, as in the days of Huss and Boniface. But although the advance of knowledge has reduced its power, and reformed its practice, its doctrines remain unchanged. To shew, therefore, that it is possible to advocate emancipation, and believe in protestantism—to defend Catholic *liberty* without justifying Catholic *errors*—is not the least important object I have in view.

I confess I should not have felt much disposition to attempt even so slight a sketch of the Catholic question, after the able discussions it has undergone in parliament on many occasions, did I not feel that the attention of the English mind has not yet been sufficiently directed to the subject: that Englishmen want but accurate information respecting Ireland, to appreciate her importance, and promote her interests: and that if they entertain doubts as to the prudence of further concessions to the Catholics, it is because they have viewed the question from a distance, distracted by party feuds, and mixed up with local dissentions. Ireland has never had a candid era—a fair opportunity of laying before England a statement of the real sources of her discontent; and she blames this country less, perhaps, for originally falling into the error of mis-government, than for *continuing* to govern her in error. Why do not Englishmen perceive how much it would be their *interest* to pacify Ireland—that their stake in Ireland is insecure, and their chance of improving it hopeless, so long as they deny to the people the only permanent motive to order and co-operation—confidence in the laws? Why do they pour out their blood and treasures upon the defence of liberty abroad—and expend the public money, and risk the public safety, by refusing liberty at home? Is Ireland less valuable than Portugal? Has she less claim upon the generosity of England? Is she less interested in her honors, less necessary to

her existence? Explore the mines of Peru—the flats of Holland—the vineyards of France—go to what region you will, you find English capital originating or sustaining industry and the arts; and yet an island so closely affianced, an inseparable part and parcel of herself, presenting innumerable advantages of situation and soil, and returning attachment for alliance—feels little of the dew of England's wealth to refresh the arid lifelessness of her population! And why is this? Because injustice has a re-acting impulse;—and the impolicy that impoverishes Ireland also renders her insecure. Where could the superabundant capital of British agriculturists, merchants, and manufacturers be expended with so much profit as in Ireland—*if* Ireland was pacified? Where could a surplus population colonize at so small an outlay as in Ireland—*if* Ireland was redeemed from disgraceful distinctions? Where could such cheap facilities of unoccupied pasturage, and wood, and water, for all the purposes of producing provision, and establishing manufactures, be found as in Ireland—*if* Ireland had an interest in British success, by being made a participator in British privileges? It is clear, then, that so long as Ireland remains exposed to the effects of a vicious policy—so long as her connection with this country entails upon her all the evils of subjugation, and none of the benefits of union—so long will Englishmen be deprived of a prolific fountain of wealth, security, and strength.

But, it is objected, emancipation would not cure *all*

the evils of Ireland, and would not therefore produce the effect desired. True. Emancipation would *not* cure all the evils of Ireland, but no evil can be cured without it. Though it leaves much to be done, it must be done first itself: it is like a preparation of the physical system for a course of medical treatment. It cannot be disguised, nor is it sought to be evaded, that much would remain to be satisfied, and much to be corrected: but it would not be solely Catholic. The policy that has hitherto governed Ireland has not only been injurious because it divided, but because it demoralized and impoverished the people. Withdraw invidious distinctions, and if further complaints reach you, they will be the complaints of freemen, which you, as freemen, will find your interests identified in redressing.

All measures that precede emancipation, however beneficial in their tendency, will be received with distrust by the excluded: a modification of tithes may relieve the landlord—a vigilant police coerce the rebellious, and afford dubious security to the peaceable—a reduction of imposts lighten the burthens of a trade, almost too exhausted to be conscious of benefits—public works occasionally employ the idle or disaffected of a village, or a county—and petty sessions inspire the peasant with a forlorn hope of justice—but this is partial, not general good; affecting distinct and minor interests; still leaving without a remedy the great national calamity, to which the feelings and attach-

ment of the country are sacrificed. Such measures preceding emancipation must be transitory and ineffectual, since petty benefits cannot be felt by a people who want freedom:—following emancipation, they would complete the pacification, and decide the allegiance of the country.

It is at all times delicate and difficult to speak with impartiality of the local government of Ireland: for almost every administration has been connected, or supposed to be connected, with one party or another. The system of checks and balances, as it was called, was certainly calculated to goad the Irish into acts of indiscretion, and to inflame the causes of irritation amongst the peasantry. A secretary dispensing justice, a lord lieutenant thwarting the secretary: a chancellor giving commissions of the peace to violators of the law; or an attorney general becoming, in every sense of the phrase, a public prosecutor; with a solicitor general endeavouring to calm the wild passions such conflicting elements had roused. Balms and tortures—moderation running to seed, and intolerance like a forced hot-house plant! If the Catholic found a willing ear in one department of the castle,—the orangeman was at the same moment closeted in another: and, between grievances that never were redressed, and monopoly that never was satisfied, they were both disappointed. The materials of discontent were thus sent back into the bosom of society to engender fresh mischiefs, and excite new animosities; while the

government, playing at cross purposes in the council chamber, transmitted its dispatches to the cabinet, representing the unanimity of the people, and the prosperity of the country! A state of things so revolting to honorable minds, and so ruinous to social security, could not last for ever; and the British cabinet selected an Irishman, and a stateman, to atone, at last, for the misgovernment of centuries.

The appointment of the Marquis Wellesley to the government of the country, naturally excited hope in the breasts of the Catholics; and the loftiness of his character was a sufficient guarantee to all parties that he would administer impartially the laws he could not alter. His career in India—prompt, magnificent, triumphant—was hailed as a type of what he would do for Ireland: and, for a time, ambiguous curiosity supplied the place of faction. There was a singular coincidence, too, between the state of both countries. When Lord Wellesley assumed the governorship of India, he found one party who never felt the *control* of law—another who never experienced its *protection*: rebels to the constitution filling offices in the state, and ministers of justice participating in corruption: exclusive privileges founded upon exclusive possession, and the servants of the government governing the authorities. Such was India—such Ireland. In India his means of reformation were summary and conclusive. A few dismissals amongst those who had abused the confidence of the crown by attempting to

enlarge the powers of the executive; and the subjugation of all parties without consulting the prejudices of any, redeemed that immense territory. In Ireland the same mischiefs in a more compressed space existed, without equal means of regeneration. The first evil was bad laws—which he could not remedy: the next, was their mal-administration—which he did. No doubt there were men holding offices under the government, who bowed at the levee, and lampooned at the press, mixing with the malignity of libel the baseness of hypocrisy, and who, for the sake of humanity as well as the country, ought to have been dismissed and disgraced; but these were linked to a powerful party, and to punish them would have spread dissention not conciliation. He had to struggle against extremities; assailed by the calumny of the intolerant, and the extravagant desires of the injured, he had to perform justice between both. He has done it, and is doing it inflexibly.

Some of the most useful measures that have ever been applied to Ireland have been passed during his Lordship's administration. First, the Secret Society Act, which, if it has not crushed party, has made the external symptoms criminal: amongst the rest, the orange processions, which a distinguished advocate of the penal code* admitted to be so injurious to the peace and prosperity of the country, that while they

* G. R. Dawson, Esq. member for Londonderry.

were permitted to continue, he said, "no man's life or "property were worth a pin's purchase." Next, petty sessions—a measure of consummate wisdom; which has given the Catholic as much confidence in unequal laws, as it is possible their equal administration can inspire: and which has removed the evil of which Lord Redesdale complained, when he said that "in "Ireland there was one law for the poor, and another "for the rich." A well-constituted constabulary force, partly supported by a grant, and partly by a county levy, has saved the necessity of quelling, by preventing insurrection. This force has become popular, because it is drawn, without distinction of creed or party, from the great body of the people. Almost every previous system of police incurred execration and hatred; and Pastorini's (bishop Walmsly) Prophecies furnished the ready denomination by which they were all distinguished, "the black militia." A Tithe Adjustment Bill, too, forms another measure of his Lordship's administration, which, although not very lucid in its details, or successful in its operation, has exhibited a disposition to ameliorate the burthens of the country. But these and the best temporary measures must be neutralized finally by the vicious interference of the penal code, and the extensive share its supporters still have in the local government.

An alteration in the corn laws has occupied much of the public attention of late; yet I do not find that the effect it would be likely to produce on Ireland has been considered or calculated.

A free trade in corn—as it is termed—is now admitted, I believe, to be a thing impracticable. It never did—never can exist. Duties may be relaxed to meet exigencies, but they cannot be repealed; the inequality of capital, wants, production, and consumption, would render such a measure, if it were practicable, ruinous to some nations, and injurious to all. But how would it affect Ireland? It would destroy the last refuge of her population, and reduce her, without the merciful gradation of bankruptcy, to beggary at once. In looking at the question of the corn laws, it would be as unwise to consult the single interests of England, as it would be, in England, to consult the single interests of any one class of persons —agriculturists or manufacturers. To accomplish the ruin of Ireland by ensuring to England a doubtful advantage, would be to compromise the interests of both, and risk the existence of Great Britain as a nation. Of the corn laws, it may be safely said that the "practical men" who affect to put aside theory, and the "theory men" who affect profound veneration for first principles, have alike embarrassed the question by conflicting statements, and elementary dogmas. Nothing can be more absurd, on the one hand, than to ground a system of law upon accidental circumstances which have been produced by unforeseen events; or, on the other, upon theoretic principles without examining whether they are practical. If you sacrifice one interest to another, you sacrifice the country to prejudice. There is a reciprocal dependence

between the two great interests, which is sustained by mutual consumption. If you open our ports, unconditionally, to foreign corn (always excepting cases of famine or necessity) you effectually exclude the domestic corn from the market; a large body of people will then be thrown out of employment, and the consumption of manufactures reduced in proportion to the reduction of consumers. If, on the reverse, you permit by monopolizing privileges, or excessive duties, the price of bread to exceed the general rate of wages, you starve the manufacturers, reduce the consumption of corn, and, what is worse, force the artizans to emigrate, and carry into other countries the arts and skill of this. Finally, their interest is *mutual.* There must, therefore, be laid such a medium duty upon corn as will place the produce of England on an equality with the produce of other countries; for so long as we are burthened with a debt and taxation, we cannot compete, even in our own market, with the free growers of France and Poland.

The application of a system of poor laws to Ireland, has also been much discussed, and many honest men have differed upon its propriety. Could the measure be satisfactorily shewn to be available, I, for one, should be rejoiced to see it carried into effect; but under present circumstances it is impracticable, and imprudent because impracticable. In England the first compulsory provision for the poor was vague and

insufficient*: in the reign of Edward 6th it began to assume a regular form; but it was not until the reign of Elizabeth, that relief was extended on a settled principle, by the division of parishes, and the appointment of overseers. By statute 43 of Elizabeth chap. 2, two modes of providing for paupers are pointed out; charitable assistance for the helpless—employment for the idle. To accomplish these objects a sum of money is levied upon the parish, in proportion to the quantum of poverty it contains. Without entering into the details of the mischiefs arising from a system which throws the indolent and the undeserving, in common with the impotent and the wretched, upon the rest of the people, instead of obliging each person who can, to contribute to the wants of the community, I will state at once an insuperable objection to the application of such a system to Ireland,—the impossibility of obtaining means to originate it, and the impossibility of furnishing employment to sustain it. In Ireland there is no employment, because there is no market; and you cannot make a new market without first reforming the code that destroyed the old one. The religious and political divisions of the people, too, would act as a constant check upon the effective operation of parochial charity; collected by a capricious standard, and drawn, as it must be of necessity, from the pockets of those who are least able to afford

* See Blackstone's Commentaries, Book i. chap. 9.

it. If there were an absentee tax to feed the paupers that absenteism creates, it would be sufficient—but it would be unconstitutional. The catholic overseer would be considered the agent of the priest, not of charity, by the orange proprietor; and the protestant overseer would be the agent of corruption and new disasters in the eyes of the catholic. In truth such a measure would produce fresh rancors, and occasion additional sources of unhappiness; and it is as unsuited to the character, as it is to the condition of the people.

But it must also be remarked that the poor laws were adopted in England, not as a measure of *wisdom*, but as a measure of *necessity*. It was on the abolition of the monasteries and religious houses, that Henry 8th substituted his imperfect poor system, to soften the sudden extirpation of the old established tenure of *frank almoigne*, or free alms, under which the monasteries were held, and by which they were bound to provide for the poor without their gates. The poor laws, therefore, were not originally adopted in England as a measure good in itself, but as one of less evil than that whose place it supplied.

I did not design in these observations to have touched general questions; but when Ireland is the theme, they press, unbidden, upon our attention. With a request that the following pages may be read dispassionately, as they were written, I conclude. Let me not be considered the rash or violent advocate of emancipation. Long consideration, and the examples

of history, have satisfied me that the security of every government, and the happiness of every people, consist in the enjoyment of rational freedom. It is that freedom the Catholics require; they do not ask ascendancy, they ask equality; and they ought to obtain it without being permitted constantly to remind us that concessions are never acceded to but in seasons of danger; for, however just that reproof may be, it is unfortunate, since it inspires Ireland with a desperate hope from England's misfortunes, and fills reflecting Protestants with an apprehension that that may be granted through fear, which ought to be granted through justice. However feeble the execution of my wish—I can truly answer for its purity;—and, in the dying words of Father Paul to his country, I exclaim to the British constitution, its solid liberties, and real strength—"ESTO PERPETUA!"

THE REMEDY,

&c.

TO THE RIGHT REVEREND DOCTOR DOYLE,

Roman Catholic Bishop of Kildare and Leighlin.

REVEREND SIR,

YOU have published a work, entitled, "An "Essay on the Catholic Claims, addressed to the Right "Honorable the Earl of Liverpool." Whatever literary labor you undertake, Rev. Sir, carries with it an indelible interest; and whether you mantle yourself in the apochryphal costume of I. K. L. or the more congenial robes of your Pontificalibus—whether you assume a censorship over political theories, or expound polemical dogmas—you equally exhibit the research of learning, and invite the attention of the learned. It is your fate, Rev. Sir, to live in times when a man of energetic intellect, and pliant principles—one who has learned by the events of present times to adapt himself to future—who has neither obtained his party by too much servility, nor risked it by too much candor—with intrigue to secure popularity, and cunning to conceal intrigue—too lofty for contempt, too changeable for confidence—humble in the midst of triumph, and arrogant in the moment of defeat—whose enigmatical character cannot be convicted of hypocrisy, nor acquitted of design—it is your fate, Rev. Sir, to live in times when *such* a man could become a PUBLIC CHARACTER. The few observations I intend to offer upon your Essay, require, therefore, less prelude or apology.

I was quite prepared to find in your Essay on the Catholic Claims the spirit of ardent advocacy—invective chastened by refinement—satire conveyed through golden cadences—flattery in the name of vindication—and prejudice dignified by patriotism. I had not forgotten your mission to England in the Catholic deputation—I had not forgotten your evidence before the committees:—I could not forget that, when you left behind you the local excitations of distinctive laws, you seemed to have imbibed the purer atmosphere of British equality; and the irritated feelings of excluded talent, and stigmatized ability, seemed to have passed away, like the shadows of things that were no more. I remembered that Doctor Doyle on the steps of the constitution—approaching the sacred gates of freedom, and almost clasping the idol of his political ambition to his heart—presented a striking contrast to the Doctor Doyle who, living in the midst of social dissention, was a living type of the struggles it entailed. The dogmatism, the prejudices, the captious opposition to petty exasperations, the vituperation of the pamphleteer, the obstinacy of the theologian—all, all were exchanged for the temperance of a patriot who came to receive the reward of a life of troublesome activity, with a practical evidence in his demeanour that he was prepared to appreciate it. I watched him when the dream of hope was dissipated—when disappointment was accompanied by insult—and the natural expectations of a whole people were, like bubbles on a mountain torrent, swept away in one general devastation. He returned to Ireland—he again mixed in the scene of political distinctions, and religious uncharitableness—the people on both sides were violent—the proscribed wounded by repulse—the intolerant elated by the victory of bad passions over sound policy: he again felt the degradation of an Irish Catholic, and again became the powerful opponent of the prejudices that excluded, and the unmeasured defender of the prejudices

exclusion created. He was moderate in London, under the hope of success—exasperated in Carlow, under the mortification of failure. With this previous impression, Reverend Sir, I took up your book. I have read it, and am not disappointed.

That you should be the champion of your religion is natural. It has elevated you to a prominent position in its hierarchy, and afforded you opportunities of bringing your talents into the arena of public life; which you have improved by assiduity, and amplified by the accident of your country's misfortunes. The see of Rome, with all its apparent anomalies, is the cynosure of your career. You direct your course by its movements; and whether it fulminate its anathemas in the north, or dispense its benedictions in the west, you alike bow, flatter, and expound.

That you should interpose the ægis of your chivalric advocacy between your fellow countrymen and the legislature is natural too. But it is also just. And in after times, should the pedant of the college be forgotten, the active politician will be remembered.

But, Reverend Sir, that you should found the claims of your fellow countrymen to civil freedom, upon the perfect purity of their religion, is neither natural, just, nor politic. It is not natural, because you violate your attachment to the public cause when you mix it up with the errors of a religious creed:—not just, because not true:—not politic, because calculated to defeat the object you profess.

I object to your essay, therefore, not because it is intended to vindicate Catholic rights, but because it is calculated to subvert Catholic rights. Hitherto Catholic advocates were contented to rest the question upon abstract justice, necessity, the nature of human immunities, the union of political parties, and consequent national security. But it remained for you, Reverend Sir, to prove from the theological tenets

of the Roman Catholics, the safety of Catholic emancipation. Whatever others might have written or spoken to disembarrass the question of ecclesiastical incumbrances—or to refute pious calumnies—I do not remember that so bold a view as you have taken has ever before engaged the abilities, or sunk the reputation of any distinguished Catholic, lay or clerical. Drumgoole might have forced an occasional vindication—Troy pilfered a pastoral letter—and Butler rushed from conveyancing into controversy, fabricating paragraphs as if he was drawing clauses; but to risk civil liberty upon the proofs of religious perfection remained an unhappy desideratum, adapted to your ingenuity, but inconsistent with your cunning. Believe me, there is no necessary association between Catholic emancipation and Catholic tenets: and if enlightened Protestants marshal themselves under the banners of political equality, it is not because they recognize any change in the spirit of the Roman Catholic creed. The same principle that made them renounce its bondage, urges them to resist its encroachments. They are still as much opposed to its dogmas, as when they suffered persecution in the valleys of Savoy. *You* boast that your church is incapable of alteration—*they*, that their principles are immutable. Revive the questions of doctrinal controversy, and you will find the spirit of the Waldenses and Albigenses regenerated in the persons of your political friends. The distinctions between civil justice and religious truth, are deeply marked and well understood. The African slave, reeking from the idolatry of his thousand gods, is a freeman on the shores of England—is his creed, therefore, the more pure, or are his errors the less dangerous?

With you, Reverend Sir, I deprecate the existence of even a remnant of the penal code. I deprecate it on grounds common to Protestant and Catholic: general interests; social securi-

ty; the welfare of existing institutions—domestic strength—and protection against foreign enemies. That portion of the Protestants who are flippantly called Catholic Emancipators, may be divided into three classes. First,—those who, having maturely weighed the evils of the existing system, and the dangers of alteration, decide upon the necessity of concessions. Second,—those who do not perfectly see the question in all its bearings, and who, satisfied of its theoretic justice, are careless of its practical details. Third,—those who, from interested, or personal, or political motives, arraign the present order of things, and, heedless of benefits, pant only for innovation. But in none of these classes will you find in the grounds of their opinion, a justification of the religion of Roman Catholics.

But to come more immediately to the subject matter of your book.

You begin by asserting that the doctrines of your religion are not incompatible with allegiance to the King. You state that Roman Catholics do not "recognize in the "Pope, a power to interfere directly or indirectly with the "rights of our sovereign." And you then proceed to shew the extent to which Roman Catholics are bound to obey with implicit submission. The following are your words. "Whatever is expressly *defined, declared,* and *proposed,* to "all the faithful, with and by the consent of the Pope and "bishops, throughout the Church, whether assembled in "council or otherwise, *this is to us a decree or definition* "WHICH WE CANNOT REJECT OR IMPUGN: *nor can we in-* "*terpret the Scriptures in a way which would clash with such* "*definition.*"*

* This assumption of the right to interpret *exclusively* the inspirations of Holy Writ is one of the peculiar features of the Church of Rome. Error casting its shadow over Truth—man collating and controlling the transcript of the Divinity! I care not under what designation this unholy monopoly is perpetrated—whether the creature

According to the principle you hereby explicitly lay down, there exists an authority which Catholics cannot reject or impugn. That authority consists in whatever may be expressly defined, declared, and proposed with the consent of the pope and bishops, *whether assembled in council or otherwise.* But, you exclaim, "the Catholic church has *never* "defined, declared and proposed that the pope has, or "ought to have, any power directly or indirectly over the "temporal rights of sovereigns or states: it is *therefore* an "opinion which Catholic nations and individuals have "found it their duty, as I find it mine, to impugn and to "oppose."

This statement, Reverend Sir, admits two distinct interpretations. First, whatever is expressly defined, declared, and proposed *with the consent of the pope and bishops* MUST be received by the faithful. The pope and bishops, you assert, have never expressly defined, declared, and proposed that the *pope* has any power over temporal rights, *therefore* you deny that such power exists. But the pope and bishops, themselves, *have* a power over temporal rights, since you are bound to obey implicitly whatever *they* may define, declare and propose. While, therefore, the *individual* has no such power, the *body* (of which that individual

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who becomes the censor of his Creator adopts the name of Christ's vicar upon earth, or whether, elevated in the assembly of cardinals and bishops, a congregated body of individual sinners snatch a corporate infallibility from heaven, and violate the book of Christ in the name of Christianity.—I care not in what age of slavery the gross imposition arose—its existence at this enlightened period of moral history, is a fact that cannot be sufficiently deplored or resisted. But mark the contradiction. The Church denies the privilege of *private judgment*, and yet makes *private judgment* the rule and standard of interpretation! She denies to *individuals* the privilege of *interpretation*, and forces them to submit to the *individual interpretation* of her prelates. But if individual interpretation be *dangerous* in the laity, is it *safe* in the priesthood? and what security is there that the same ignorance which might misinterpret the *text*, would not *also* misinterpret the *commentary*? Besides—if the laity should not interpret the *bible*, how will you reconcile the propriety of interpreting the *interpretation* of the bible?

is the head and representative) clearly *have* such power. Although you endeavour to evade the principle by confusing the terms, you cannot deprive me of the inference your words admit. Second, because the Catholic church never *has* defined, declared and proposed that the pope has such power—you *therefore* find it your duty to impugn and oppose the opinion. Suppose the catholic church *should* define, declare, and propose that the pope *has* such power—would you not, *therefore*, find it your duty to receive and promulgate that opinion? To be sure you would—and I protest, the candour with which you have admitted these naked principles, renders you worthy of a religion of freedom.

It would not become me, Reverend Sir, to question your theological knowledge. Years of intense and solitary application have peculiarly adapted you for a contest of this nature; and if I enter the lists for a brief encounter with you, it is because you have thrown down the gauntlet in an unguarded moment, and left yourself defenceless to my attack.

You assert that the Catholic church has never defined, declared and proposed that the pope possesses power over temporal rights. I shall examine this position fearlessly and fully, citing only such illustrations as may be sufficient to refute it.

The celebrated bull *In cœna Domini*, to be found in tom. 1. pa. 714 of the *Bullaire*, published at Lyons in 1673, is read publicly at Rome on Holy Thursday in every year. It is read by a cardinal-deacon; and the ceremony is attended by the pope, the cardinals, and the bishops. At the conclusion of this sacred office, his holiness casts into the public square a blazing torch, as a type of the anathema pronounced by the bull. It is unnecessary to inform Dr. Doyle of the substance of this bull; but some of my readers may not possess facilities of reaching the document,

and to them it may be well to explain its purport. It contains twenty-four paragraphs of excommunication. I select the following: the pope excommunicates,—

Heretics, all who favor them, and all who peruse their writings.

All who impose fresh tolls on their lands.

All lay judges who judge ecclesiastics, and bring them before their tribunal, *whether that tribunal is called an audience, a chancery, a council, or a parliament.*

All chancellors, counsellors ordinary or extraordinary *of any king or prince whatsoever*, all presidents of chanceries, councils, or parliaments, as also all attorney-generals, who call ecclesiastical causes before them, or prevent the execution of the apostolical letters, *even though it be on pretext of preventing some violence.* (Here the pope reserves to himself alone the power of absolving those thus excommunicated, who cannot receive such absolution until they have revoked their acts, and obliterated the record in which they are contained.)

That all patriarchs, primates, archbishops, and bishops, by virtue of their holy obedience, shall have this bull solemnly published at least once a year.

And finally he declares that whosoever dares to go against the provisions of this bull, *must know that he is incurring the displeasure of Almighty God,* and of the blessed apostles, St. Peter and St. Paul*.

Some additions were subsequently made to this Bull,

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* A similar threat or warning was printed in the title page of the book containing the instructions relative to the late jubilee: that whosoever should contravene or curtail, &c. should incur the vengeance of Almighty God: and yet on the original publisher of that book seeking for an injunction against another publisher who had pirated it, it appeared that the copy right was vested not in Omnipotence, but in the Irish bishops: and that the authorship was not an inspiration but the work of Dr. Doyle.

such as excommunicating *ipso facto* all princes who laid new impositions on their states, or increased the old ones, without permission from the holy see. This Bull was endeavoured to be forced upon the people of Naples by the ecclesiastics, who even refused them absolution and the sacraments to effect its reception; but the light of knowledge has at last resisted it, and it has been proscribed there, as well as in Austrian Lombardy, and elsewhere. This Bull, Reverend Sir, is read in Rome on Holy Thursday in every year *up to the present day.*

The Bull *Ausculta Fili,* addressed to Philip the Fair, by Boniface VIII, after exhorting the king to listen with docility, goes on to say—"*God has established us over all kings* "*and all kingdoms, to root up, and destroy, and throw* "*down, to build, and to plant, in his name, and by his doc-* "*trine.* Do not then suffer yourself to be persuaded that "you have no superior, and that you are not subject to the "head of the ecclesiastical hierarchy Whosoever thinks "this is a madman, and whosoever obstinately maintains it "is an infidel, separated from the flock of the good Shep-"herd." Philip the Fair, however, happening to "think "this," had the bull burned at Paris by sound of trumpet on the next sabbath day. His holiness in revenge convened a council, no doubt for the purpose of *defining, declaring and proposing* that "God had established him over all "kings and all kingdoms." The decretal *Unam Sanctam* was the result of this council. Of this decretal the following is the substance.

"We believe and confess a holy catholic, and apostolic "church, out of which there is no salvation; we also ac-"knowledge its unity, that it is one only body, with one "only head, and not with two, like a monster. This only "head is Jesus Christ, and St. Peter, his vicar, and the "successor of St. Peter. Therefore the Greeks, or others,

"who say that they are not subject to that successor, must "acknowledge that they are not of the flock of Christ, since "he himself has said (John chap. x. v. 16.) 'that there is but "one fold and one shepherd.' We learn that in this church, "and under its power, are two swords, the spiritual and the "temporal: of these, one is to be used by the church, and "by the hand of the pontiff; the other by the church, and "by the hands of kings and warriors, *in pursuance of the "orders, or with the permission of the pontiff.* Now one of "these swords must be subject to the other, *temporal to "spiritual power;* otherwise they would not be ordinate, "and the apostle says they must be so. (Rom. chap. xiii.) "According to the testimony of truth, *spiritual power must "institute and judge temporal power;* and thus is verified "with regard to the church, the prophecy of Jeremiah, "(chap. i. ver. 10.) "I have this day set thee over the "nations and over the kingdoms," &c.*

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* This Bull, which so clearly sets forth the doctrine of papal supremacy, is thus briefly and epigrammatically dismissed by Dr. Doyle. "If the Bull *Unam Sanctam*, "in which Boniface declares that every creature is subject to the Roman pope, with- "out at all specifying whether it be in spiritual or temporal matters (!)—if this Bull "be objected to us, is it not reasonable to attend us while we say, that no Bull of any "pope can decide our judgment if it be not received and assented to by the pastors "of the church; an assent which this Bull *Unam Sanctam* never received? Should "we not be allowed to add that so far from being received by the church it was "violently opposed, and by an opposition so successful that it was recalled by "Clement 5th; between whom and the author of that Bull, only one pope, Bene- "dict 11th intervened?" p. 37, 38. Dr. Doyle informs us in the first instance, that he is bound to submit to whatever is expressly defined, declared, and proposed, with the consent of the *pope and bishops*, whether assembled in council or otherwise—and next, that no Bull can decide his judgment unless it be received and assented to by the *pastors of the church*. Now the Bull *Unam Sanctam* was expressly defined, declared, and proposed by the pope and bishops assembled in council, but it cannot decide his judgment because it was not received and assented to by the pastors of the church. Who are the pastors of the church? Do they form an authority higher than the pope and bishops? If so, how can he be *bound* to submit to the edicts of the latter? If not, his position is illogical and untrue. As to the Bull *Unam Sanctam* having been recalled by Clement 5th, he should have told his readers that it was an

When Henry the Second set his thoughts upon the invasion of Ireland, he asked and obtained the *permission* of Pope Adrian 4th. His Holiness granted the King of England leave to invade Ireland, on condition that he imposed a tax of one *Carolus* on every family in the island for the Holy See, and also that he held the island as a fief of the Roman Church—"For," said his Holiness, "it cannot be "doubted that every island upon which Jesus Christ, the "sun of justice has arisen, and which has received the "lessons of the Christian faith, *belongs of right to St. Peter,* "*and to the holy and sacred Roman Church.*"

The Bull which Pope Pius issued against Queen Elizabeth, memorable from the political circumstances by which it was accompanied, declares—"He that reigneth on high, "to whom all power is given in heaven and earth, hath "committed the one Holy Catholic and Apostolic Church, "out of which there is no salvation, to one alone on earth, "namely, to Peter, the Prince of the Apostles, and to the "Roman Pontiff, successor to St. Peter, to be governed "with plenitude of power. *This* ONE *hath he constituted* "*Prince over all nations and kingdoms, that he might pluck* "*up, destroy, dissipate, overturn, plant, and build.*"

Gregory 7th, Alexander 6th, and Julius 2nd, assumed universal temporal authority; and the court of Rome excommunicated the Emperor Henry 3rd, and declared Henry 4th unworthy to reign. In the preamble to the Bull against the latter, Sixtus 5th declares, that "the authority "given to St. Peter and his successors by the immense "power of the Eternal King, excels all the power of earthly "kings, and passes uncontrolable sentence upon them all." King John was absolved from the oath that bound him to

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act of policy not of purity; and that it proves the mutability of the church of Rome, which can issue decrees in one pontificate and reverse them in another.

observe the obligations of Magna Charta—and the Barons of Runnymede were excommunicated for exacting it: and, as a type of temporal supremacy, monarchs have held the Pope's stirrups, and Popes have crowned monarchs with their *feet* instead of their *hands.*

The Pope at his consecration solemnly swears to observe, in all matters which they contain, the "General Councils, "including those of Lateran, Constance, Trent, &c." The councils of Lateran and Constance exhibit in some material particulars a spirit of invasion on temporal freedom. It was the council of Constance that decreed the murder of Huss and Jerome, and ordered the bones and writings of Wickliffe to be burned; and it is the council of Lateran that ordains the utter extermination of heretics, and the confiscation of their properties; and that any temporal lord who shall not exterminate the heretics in his territory shall be excommunicated, and his subjects absolved from their allegiance.

As the executive power, the Pope has, in fact, unlimited privileges—as in the instance of abrogating the ecclesiastical law relating to marriages. He may violate the decree of the council of Trent, which places the limit upon the degrees of affinity within which marriages may be contracted, and, dispensing with its obligations, permit any marriage, no matter how close the kindred, to take place.

If it be objected that the acts of a period when all Europe was Catholic, and acknowledged the spiritual jurisdiction of the Pope, do not afford a just comparison with the present times, when so many states reject his authority altogether—I reply: that if, as you assert, the authority of the Pope be purely spiritual, he never could, or should have exercised it over temporal affairs; the more particularly as he is the organ of a church that never changes and cannot err. Catholic states, therefore, must have seen the

necessity of drawing an accurate distinction between spiritual and temporal obedience—lest implicit submission in the one, might produce total subjection in the other; and the rights and privileges of freemen be sacrificed in the blind homage of bigots.—Such states must have felt even greater necessity for limiting ecclesiastical power than Protestant governments, because the one recognized such power, while the other denied it.

It appears, then, that the Pope in former times did cast his anathemas between subjects and sovereigns. What security have we that he may not do so again? Certainly your assurance that "papal influence will never induce the "Catholics of this country either to continue tranquil, or "to be disturbed—either to aid, or to oppose the govern-"ment," while it may perfectly satisfy your own feelings, will never satisfy the doubting Protestants. The security must be of another nature. Of this I shall speak again.

But why need I have wasted a moment in shewing the usurping spirit of the Popes, when I find the following *remarkable* passage in your own essay? "They," the Popes, "were frequently successful, and not less frequently de-"feated; but they never desisted until their efforts became "utterly fruitless, and their labors unavailing: *they con-"stantly employed their spiritual prerogatives to enforce their "temporal pretensions. By wielding the holy names of the "apostles, and exalting the privileges of their see, they "established generally throughout the world a persuasion that "to question their right to the kingdoms of the earth, as the "patrimony of St. Peter, was to oppose the jurisdiction "with which that apostle had been vested by Christ.*" I know not how to appreciate this sentence: whether as an admission by accident, or an acknowledgment to inspire confidence.

The pretended donations to the holy see, by which the Popes attempted to justify their ambitious usurpations, have never been proved by accredited deeds, or attested by authentic records. The donation of Italy to Pope Sylvester, by the Emperor Constantine, was maintained until the sixteenth century as a part of the Roman Catholic creed. Persecution fell upon the credulous; but after a lapse of eight centuries the people began to ask for evidence, and the article of faith was withdrawn. The librarian Anastatius, who asserts that Pepin gave the exarchate of Ravenna to the Pope, wrote one hundred and fifty years after that circumstance is stated to have occurred; besides which impeachment of his veracity, there is this, that it was impossible Pepin could have bestowed what he did not possess. It is said, too, that Charlemagne confirmed this donation, and added to it some minor states, including Sicily, Venice, and Sardinia. Now Charlemagne left a legacy in his will to "his own" city of Ravenna; therefore, he could not during his life-time have forfeited, by gift or otherwise, his title to it: and it has not yet been discovered that a deed of conveyance ever crossed the Rialto, or was deposited in the archives of Sicily or Sardinia. Many other donations, too, were assumed—such as those of Naples, and of the Countess Matilda: and whether attested, or not, only prove the atrocity of that principle by which men's worldly property was seized under the pretence of their eternal salvation, and the prelate of a religion of humility clothed in the spoils of nations. Is not the proposition monstrous, even granting that it was acted upon, by which a sovereign assigned his kingdom to the Pope—thereby violating his compact to his subjects, and placing a ruler over him, whom they had appointed to rule over them? Rewarding foreign usurpation with domestic treachery, and annihilating those rights he was appointed to protect? But the courtesy of these

regal gifts did not terminate here, for the Popes returned the compliment in kind, and bestowed as many kingdoms as they received. To be sure they had as much right to give the one, as they had to demand the other; but where it was impossible to establish possession, it was prudent to encourage allegiance. Julius 2nd gave the states of Louis 12th (who had assisted him in seizing upon Bologna and Perouse) to the Emperor Maximilian; but this gift was *words* not *deeds*, as the Emperor could never obtain possession of the grant. Sextus 5th, Gregory 14th, and Clement 8th, would have given France to any man who would marry Clara Eugenia, the daughter of Philip 2nd. Her portion was certainly worth looking after, but the unmarried men of that day seemed to think it was not a disposable property. Alexander 6th gave the East and West Indies to Spain and Portugal—in short, Rev. Sir, they professed a supremacy over every court, from the court of Omnipotence to that of Corsica, and gave away every kingdom, but the kingdom of heaven!

I do not mean to carry the charge of divided allegiance into a direct accusation against individuals—I only assume it as it is borne out by the tenets of the Roman Catholic Religion. I feel quite confident there are few Roman Catholics of the present day who would wantonly take an oath with the intention of violating it. Indeed, I am quite sure, that amongst the educated classes there are none—and amongst the uneducated just as great a proportion as there are amongst the uneducated classes of any other creed. But, Sir, that is not the question.—The real point of discussion is this—where does the spiritual authority of the Pope terminate? Is spiritual, or ecclesiastical domination so clearly defined and laid down, that no confusion can possibly arise from the conscientious scruples of those who obey it? Is it so simply explained to the vulgar mind, that no man can

mistake the undue usurpation of a Pope, for the voice of the church? And has the church itself placed such a boundary to its own rule as to render a misconception of its extent impossible? I fear these are questions not easily answered. I know they will never be answered satisfactorily. In truth, spiritual power, in the church of Rome, is of so arbitrary a character, and so mixed up with the temporal affairs of life, that no man could undertake to separate its double influence, and its blended authority.

In any case where a metaphysical distinction is to be drawn between the boundaries of obedience to the church and allegiance to the king, do you think, Dr. Doyle, that the vulgar mind would reason upon first principles as you do? Alas! it would be to the ignorant like a discussion upon essences. A peasant could as well understand the doctrine of immaterial substances as your Essay on the Catholic Claims. You write to satisfy the learned, not to instruct the ignorant. You, in fact, distract knowledge and leave ignorance where you found it. When such a distinction is to be drawn, would the unlettered, and the uninformed, refer to the councils and the canons, traverse the dark catacombs of legendary dogmatism, and build their calm and laborious decision upon the musty records of antiquity?—or, would they, submitting to the blind submission of their belief, decide at once in obedience to that belief, that the Pope and the priest are infallible? "Hear "the church," says the precept—"I will," says the peasant, and he goes to the priest. Human nature is so much the slave of habit, that it becomes almost an impossibility to unfix a part of a custom, even after we are convinced of its falsity. The nearer, therefore, that a system of religious worship approaches to the capacity and grasp of human nature, without deterioration, the nearer it is to the accomplishment of its great object.—

But when it comes intertwined with subtleties half divine, half human—with enough of revelation to inspire respect, and enough of artifice to create confusion—its essentials blended with its non-essentials—its sacraments with its ceremonies—the powers of its ministers dimly yet sufficiently mixed up with the mission they administer—leaving it difficult, and making it criminal, to separate its truth from its errors—then it requires a means almost as artificial as itself to extricate mankind from its toils. I never knew a devoted Roman Catholic capable of a change of religious sentiment. Why? Because he is afraid of examination.

I should lament to be charged with the want of candor, even more than with the use of sophistry: for I deem the suppression of facts more dangerous than the assertion of falsehoods: and in stating a few historical evidences, that lie upon the memory of every historical reader, I am not conscious that I have excluded any calculated to obliterate their impression. If such came within my knowledge, I would freely discuss them, for I think investigation is the only path to certainty. But that I have not exaggerated the prevailing principle of the see of Rome is quite clear from the claims she has advanced in our own days. What might have occurred during a period of mental darkness, barbarism, and slavery, is scarcely a matter of surprise to one acquainted with human causes, and their corresponding influence. When, after the struggle of the seven bishops for ecclesiastical supremacy, superior intrigue, accident, and power, placed the clotted tiara upon the brows of the Roman prelates, and left Antioch, and Jerusalem, and the rest to mourn over the loss of a bloody and irreligious ascendancy, it was natural that the people who had witnessed the spiritual contest, and had been long enthralled by an irregular despotism, and coerced by the cruelty of unsettled interests, should have sunk into silent subjection,

and prefer even certain slavery, to constant and undefined oppression. It was at the period when the claims of Christianity were newly unfolded to the world, that abuse was received for doctrine, and a delegated interpretation first was usurped with impunity. The Roman Catholic Church arose like all other corporations: it claimed an authority, while it denied the means of resistance: it exercised a privilege, but would not exhibit its charter. Those who believed were subjugated—those who doubted, exterminated. Belief was enforced, not won—and the multitudes of its adherents were increased not by conversion, but by fear. What began in miracles, ended in superstition—and as the first generation were either fanatics or cowards, the next were zealots and deists. A succession of strange and daring circumstances tended to spread and confirm a power, that some doubted, but all trembled to impugn: and for centuries the reign of monks and anathemas closed the avenues of instruction upon the human mind. The effects of this black interval were, that when liberty began to be developed, men who had been accustomed to see despotism asociated with religion, reviled the one for their hatred of the other; and in the pursuit after freedom, abandoned themselves to licentiousness and impiety. What might have been done, therefore, by the Popes of that period may excite regret, not surprise—but that an attempt at ecclesiastical despotism should be made in our days—that the Pope should claim an arbitrary power over the actions of men not his subjects, and that the bishops, or any bishop, should revive any portion of the dark and iniquitous doctrines that for centuries degraded the human mind—that these things, Rev. Sir, should be attempted under our own eyes, within our own knowledge, and partly amongst a people that disclaim intolerance, and sue for perfect liberty—is to me a matter of deep astonishment, and sincere regret.

I will relate you a simple narrative detailing a circumstance that has recently occurred at Rome. An instance would be useless, unless it went to prove the actual existence of a principle. What I am about to state, *could not have occurred unless the principle of papal interference with the subjects of other states was still recognized and acted upon.*

The French consul at Alexandria, a native of Piedmont, being more crafty in religion than politics, conceived the utopian project of converting the pacha of Egypt to the service of the Christians, by converting his subjects to the holy Roman faith. In furtherance of this scheme, he applied to the pacha's minister of finance, Couschiar, over whom he possessed some influence, and prevailed on him to dedicate his son to the church; for which purpose he was sent to study at the Roman college of the Propaganda. Having succeeded in obtaining an agent adapted to his purpose on the one hand, he had no difficulty in engaging the assistance of the pope on the other. He represented to his holiness, through the intervention of the jesuits, how that very useful body might be introduced into Egypt through the means of the new convert, and actually prevailed on him to invest the son of Couschiar with the sacred privileges, powers, and lofty title of "Patriarch of Memphis!" The neophyte, thus suddenly elevated to the patriarchal dignity, arrived at Alexandria, but unfortunately his father had been disgraced during his absence—his mission was at an end—and the project, of which he was the unconscious instrument, was thus unexpectedly and inauspiciously defeated! He had no choice but to return to a country more congenial to his new creed; and at the close of 1824, he arrived safe at Genoa. The father of the patriarch, however, shortly afterwards recovered the favor of his master, and his first act was to

invite his son back to Egypt, where he arrived accompanied by a jesuit, who had been appointed to watch the motions of the convert. Here glittering success for a time followed him. Through his recommendation, the liberal mahometan created an order of nobility for Europeans: the French consul, of course, shared the first honors and was made a duke; and two French generals were made princes of Egypt. But the patriarch, who was as liable to variations as other men, unconsciously fell into the heresy of the monophysites, or believers in the unity of Christ's nature. The watchful jesuit, however, did not neglect his duty—and, not thinking it safe or profitable to enter into polemical discussion on the banks of the Nile, advised his youthful Eminence to undertake another journey into Europe, that they might gain all the light that was possible on their disputed tenets. The simple patriarch fell into the snare, and having reached Naples, was there arrested, and thence conveyed to Rome. In Rome, where, be it particularly remembered, the inquisition still exists, he was tried for heresy, and, that he might escape the torture, confessed his errors. The holy office consequently declared him a son of Satan, and excommunicated him. It was expected that the edifying solemnity of an *auto-da fé* would have followed, but the poor patriarch was only condemned to perpetual imprisonment in the palace of the inquisition!

I have transcribed this almost literally, as it has recently appeared in all the French and English newspapers. It has circulated over Europe, and has not been yet contradicted. I should like to be informed what reply his holiness the pope will give, when the pacha of Egypt demands the restitution of his subject? Will he plead the precedent of John Huss and Jerome of Prague? He had better reserve the thunders of the Vatican for domestic purposes, nor suffer them to peal across the waters of the

distant ocean; lest the disciples of a creed equally selfish, cruel, and obstinate, may wrench the bolt from his hands, and hurl it hissing to the heart of St. Peter's.

I shall now trouble you with an instance more general in its nature, and perhaps more clearly illustrative of the subversive policy of the popes. His holiness Leo 12th has lately promulgated among the cardinals a printed copy of a bull which it is his intention to disseminate throughout all Christendom. This bull is addressed to the Roman Catholic clergy of every country, calling upon them "to pursue "and extirpate the political sects whose object is to overthrow the throne and the altar, to undermine public tranquillity, and every where to spread licentiousness and murder." His holiness further, not only exhorts the clergy, but "commands them to employ all the means in their power, as well to discover the secret societies already existing, as to prevent the formation of any new ones."

This attempt to engage the Roman Catholic clergy in the "extirpation" of "political sects" is as clear an instance of temporal interference as can be furnished by human records. While you assert that the pope is the *successor* of St. Peter, I cannot but regret that he is not his *imitator*—if he were, he would trouble himself little about temporalities*.

In the year 1825, his holiness issued an *Encyclic*, or circular letter, the object of which was a direct usurpation of temporal jurisdiction over the freedom and prerogatives of

* In what respect the pope is the successor of St. Peter, I cannot discover—for I have never yet learned that St. Peter raised revenues for temporal objects—or converted his ministry to the purposes of temporal ambition. His kingdom was not of this world—nor did he, in any way, encourage, preach, aid, or justify the use of spiritual influence as a means of political power. The pope, if he be his successor, has certainly improved upon the precedent, and may congratulate himself on changing the humble weeds of the apostle, into the scarlet robes of the pontiff.

the subjects of other states. That this *Encyclic* was regarded with contempt and derision, is to be attributed to the growing intelligence and spirit of the age, not to the neutrality of the papal power. The attempt was made—how far it may have succeeded in countries enslaved by domestic despotism, and eager for foreign aid, I know not:—but the congress of Mexico—the representative government of a free state—published a declaration to its constituents, the people, in which it disclaimed the power, and threw off the yoke of his holiness in all matters connected with civil legislation. This declaration, as remarkable for firmness of purpose, as for independence of sentiment, is a singular instance of resistance to the errors of antiquity, and the struggles of a young state against the first approach of spiritual enthralment; and what would have been contumacy, heresy, and schism in the twelfth century, is but the assertion of a just privilege in the nineteenth. Ecclesiastical imposture that issues human mandates in the name of God, and invests human arrogance with the thunders and authorities of Omnipotence—that was once the Belial of the day, in the disguise of the apostle of charity—that would have carried the shrieks of the inquisition to the heart of the tribunals, and piously preserved the souls of its victims by consigning their bodies to fire and torture—that imposture, deprived of its influence, and abashed by detection, can no longer purchase the subjugation of nations by the sale of salvation. It is to the increase of liberty we owe the decline of fanaticism,—and wherever the creed of the Roman Catholics is not associated with slavery or exclusion, their redemption from the carnal thraldom of popery is in proportion to their means of knowledge, and capabilities of freedom*.

* I cannot deny myself the pleasure of enriching my pages with an extract or two from a document of so much interest and importance as the declaration of the Mex-

But, Reverend Sir, I shall come nearer home, and lay before the public an act performed by yourself; which if it

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ican Congress. It is valuable in two points of view. First, as it is an unanswerable evidence, that the pope is still ambitious of temporal jurisdiction, at least over countries professing the Roman catholic faith, and that the first dawn of a free established government in a nation just released from foreign dominion, was the moment he selected to assert his claim to a participation in its domestic constitution:—and, Second, as it proves that the equality of rights, and just distribution of power and privilege amongst a people, afford the best *security* against the admission of a claim so calculated to compromise their interests.

"Neither the dogmas of christianity nor its worship, nor the jurisdiction of its "ministers, which is purely spiritual, and has nothing of physical power—nor the "means of supporting this religion, which are reduced to exhortation, good example, "patience, and the exercise of all the virtues, have any thing to do with the form of "government under which the nations in which it exists are constituted. It has no "right to dictate whether they shall be subject to a foreign chief or not—whether or "not they shall maintain relations with the other parts of the world, or whether they "shall have juntas or assemblies to prescribe their respective fundamental laws. "What then shall we say of the *Encyclic, which embraces the decision of such points?* "The kings who took the title of catholic, such as Ferdinand the *Catholic*, Charles 5th, "*the defender of the church*, Philip 2d, *the pious*, would have characterized the do-"cument, like they did so many others, as being turbulent and seditious, but your "congress, guided by the principles of moderation which animate it, see only in it "a monument of that human weakness from which the successor of St. Peter un-"happily is not exempt."

"The scandalous actions of pope Gregory 7th—the conduct of Innocent 3d and "Boniface 8th, (to omit others) show in the most decisive manner that the ecclesias-"tical authority has never without injury, transgressed its prescribed limits. Schism "and rebellion, the dishonour of religion, and the slavery of nations, have always "been the fatal consequences of this anti-evangelical principle, and the baleful fruits "of its poisonous root. Happily the morning of light and knowledge which followed "the dismal night of the 13th, 14th and 15th centuries, enlightened nations on their "true rights, and taught them to reduce within its natural limits the respect due to "sacerdotal authority."

"Governments, entirely occupied about their political existence, are under the "necessity of neglecting every thing else, and licentiousness makes frightful progress "under the protection of misrule. And who can doubt that such a deplorable state "of things is often brought about by the attacks which civil authority receives from "ecclesiastical pretensions."

"*If our people were more docile and enlightened, the Encyclic of his holiness "would have caused evils which not only would have shaken the basis of civil autho-"rity, but the pillars of the sanctuary.* But, happily, the intellectual improvement "which is the character of our age, has learned to keep every thing in its proper "place, *and has conciliated the interests of the church with those of the state, in "such a way that the most perfect harmony reigns between them.*"

does not interfere with the allegiance of the subject, has the merit of visiting a spiritual offence with temporal punishment.

It is decreed by a canon of the council of Lateran, that any man who does not receive absolution at least once a year shall not be buried in consecrated ground. This most sinful punishment of sin lay a dead letter from the very excess of its own cruelty. It was not acted upon. Men affected to forget it—it fell into disuse—the spirit of the times—the cultivation of harmony—the spread of gospel truth—the necessity of being humane, which increasing instruction forced upon humanity—and a thousand other forcible and imperious motives, induced the bishops of your church to abandon one of its decrees for the sake of christianity.—*That decree, Dr. Doyle, you revived in your own diocese of Kildare and Leighlin.* That decree has been acted upon; and the mortal part of immortal man has been deemed a resting place by the side of its kindred clay! Alas! how shall men speak hereafter, when the public mind becomes purified by bitter experience,—how shall men speak of the religion and of the bishop, that with a ferocious fervor, pursued to the grave the victim of the censures of the church?

I should not be surprised if the same mode of argument was used in reply to this fact, that your reverence used in repudiating the fact of papal interference. It amounts to this. That such a canon may have existence, but that it is gone into disrepute; and, although attempted to be revived by an individual bishop, yet, neither the ministers nor the people are *bound* to abide by it. *If* you descend to this mode of reasoning, it is, in the first place, a constructive admission that this canon is bad in itself—and in the second, that that will be attempted to be done by the higher functionaries of your church, which neither the laws of

God, man, nor reason—no, nor the Roman Catholic laws of faith—command, or even justify. To assert, however, that the people are not *bound* to abide by it, means nothing —*because they cannot resist it.* The people *must* submit whether it be to a rigid article of faith, or a capricious rule of discipline; for as they do not understand the distinctions between doctrines which they *must* believe, and doctrines they *may* violate, they purchase salvation by the lump, and yield the same unenquiring servitude to both.

I am disposed to think, Rev. Sir, that the instances I have drawn from early as well as more recent times, satisfactorily demonstrate the invading spirit of the church of Rome: and that they prove one of two propositions: either that the church of Rome asserts the right of foreign interference, and that, consequently, all Catholics are compelled to comply with it—*or,* that there is no restraint to prevent the pope from asserting such right, nor no declaratory ordinance forbidding the compliance of the people. If the first be true, your essay cannot—if the second, it leaves arbitrary temporal power in the hands of a prince who exercises unlimited spiritual influence,—and exposes religion to the risk of being made the unconscious agent of human pride, passions, and ambition. In either case, the possibility of papal interference with domestic allegiance is established.*

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* Dr. Doyle wrote his book to prove that the church of Rome neither possessed nor claimed any right of foreign interference; and yet he says—"To deny that the "see of Rome would be disposed to encroach upon the rights and privileges of other "churches would not, in me, be consistent with truth and candor!" Here is the whole point in discussion set at rest; and only the Doctor has advanced so many direct contradictions, I should be perfectly satisfied to repose on his authority in this passage. After making this admission, he goes on to point out a remedy for the adoption of the British Government—"It is, my Lord," says he, "in the power of "that government, in which your Lordship (Liverpool) holds so distinguished a "place, did they vouchsafe to avail themselves of the information and assistance "which are within their reach, to *prescribe limits to that spirit beyond which it could*

I assume, then, that possibility; and shall avail myself of it in speaking of the measure of catholic emancipation, with which it has a necessary connection.

But before I venture upon that branch of the subject, I wish to notice some isolated observations you have made upon the doctrines of the church of England, considered in juxta-position with your own. I feel that this is a departure from the direct line of discussion; but I also feel that as you have chosen topics for declamation rather than for argument, and scattered them without any reference to each other, or natural connection throughout your work, I am forced into the task of grouping the incongruous materials as well as I can, and arranging them in the order which their tendency suggests.

The church of England, Dr. Doyle, claims the panegyric of your hostility. It is a satisfaction to her that he who is

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"*not pass*. A concordat with Rome could, without difficulty, be obtained, and the "stipulations of it would fix the *rights* of *each* definitively." We find then there is a spirit of encroachment in the church of Rome, and that Dr. Doyle recommends the British government to obtain a concordat by which the *rights* of that spirit may be fixed! I do not wish to extract a disingenuous meaning from the context, but I assert that Dr. Doyle, in submitting a concordat for the consideration of my Lord Liverpool, proposes it as a protection to the constitution: and why propose a *protection* unless there was a *danger*? That danger clearly consists, in Dr. Doyle's opinion, *in the existence of a spirit of encroachment, as a protection against which he proposes the concordat.*

But really if the church of Rome was serious about the doctrine of non-interference, she should place it beyond doubt: she should relieve her sincere followers from the weighty responsibility of such a suspicion, by rendering that doctrine as clear and distinct as every other, and ratify by solemn decree the purity of her means, and the spirituality of her objects. She should not leave her justification to Drs. Doyle and M'Hale, but assume herself the guardianship of her own privileges. If she can annul this year the canon of the last—if she can revive and put into effect old laws to suit present exigencies—if she can adapt herself to the spirit of the times, and the moral necessities of man—she can issue a declaration settling for ever a point to which all Christendom looks with anxiety. But, alas! however repugnant she may be to interference, she is infinitely more repugnant to saying so: and up to this hour there is not only no ecclesiastical law against that invading spirit, but no personal check upon the pope, to prevent his Holiness from exercising it.

the apologist of a single intolerant principle, is her enemy. For, however she may be reviled by the reviewers under the denomination of the law church, and by their ribald imitators as the church militant, she is neither an obstacle to freedom, nor a fetter to toleration. She is not identified with the prejudices that exclude any portion of the people from civil privileges—she partakes not in the struggle—and if any of her ministers engage in her name in the strife of the uncharitable, be assured she hath not girded the sword on their loins, or invoked them to the combat. When I speak of the church of England, I beg to be understood as speaking of the character, obvious effect, and real purport of her *doctrines*. I speak of the church of England as expounded in Revelation, and practised by the *religious* of the community.

The church of England undoubtedly possesses all these claims upon your respect which you admitted her to have as a christian institution, when, in a letter to Mr. Robertson, you proposed an union with the Roman Catholic church. Her powers, doctrines, her forms of prayer, her discipline, her articles of faith, are all drawn from written revelation. She assumes nothing that is not found there—she obeys all that is—human authority she rejects. If she does not, like the church of Rome, boast of an unity that is inconsistent with revelation, she has nevertheless preserved an unity more indelible, more enlarged, and more permanent than any other system of religious worship—I mean the unity that has its centre in the book of God:—an unity of the worship of the affections at the only test by which the affections can be tried: an unity of the sacrifice of passion at the only shrine where passion can be purified: an unity of object in an identity of means: of belief in an identity of evidence: of life, if imitated with sincerity—of hope, if studied with humility—and of consolation to all who place their trust

in it—the word of an Almighty Redeemer! This is the centre of unity of the church of England.—With it, at the worst, there cannot be despondency—without it, at best, there must be despair. While the church of Rome casts out from her with an anathema, all those of her children who question the external unity of a visible head, and who dare to say that it exhibits but an unity of human forms, not essential belief—of shadows, not substances—while she makes it an obligation upon her far-scattered congregations that they shall believe in that monarchical principle of ecclesiastical polity; and while she enforces obedience by threatening contumacy with exclusion—the church of England makes no condition upon her followers but a belief in the Bible:—her liturgy, her creed, her articles, must all be tried by that test—they must all be measured by that standard. *It is* essential to believe in the Bible—it is not essential to believe in the pope, for he is not mentioned in the Bible. The church of England presents the Bible at the threshold of her temple—the church of Rome presents the pope. The one says, "Here is the book of life—it is "your privilege to be instructed. Read with a desire to "profit, and He who died for your mortal sins will pre- "serve your immortal soul." The other says, "Here is "the bond of your church—it is your duty to believe in "him. Should you exhibit a doubt upon this point, no "matter what you think on every other, you cease to belong "to the holy apostolic communion."

The church of Rome, too, claims universal uniformity of faith, just as if human abilities, opportunities, inclinations, and passions were the same, without variation, in each individual. She asserts that the same belief that exists in one catholic country, exists in every other: that her faith is as changeless as it is ancient: and that, like the statue of old that was crowned with laurels, and dressed in green

leaves, though her worldly honors may wither and drop from her, she will retain to the end her fixed and marble-like attitude. If our physical tastes are unequal, and, perhaps, capricious—so are our moral perceptions. The ascent of fluids in capillary tubes is the amusement of a scientific man; it would demand the life of some intellects to comprehend it. There is in human nature an inequality, that produces an inequality in the habits of life, and the modes of thinking. Men cannot perfectly agree upon any thing that is not capable of mathematical demonstration; and even then most men while they become impressed with the conclusion, forget the proofs; and the inability to satisfy others in what they believe themselves, not unfrequently produces scepticism, and rejection. Uniformity of belief, therefore, in matters of an abstract character, *is not in human nature*—how then can it be in the *Roman catholic church?* Did we require evidences that such uniformity does not exist in that church, they are innumerable—I could fill my pages with them. The Rhemish testament is received and adopted by one half of Europe, and rejected by the rest: the Douay testament is received in those places where the Rhemish is rejected: and the interpretation of both differ in almost every essential point.* The doctrine of supre-

* The late declaration of the Roman Catholic Bishops of Great Britain (a document which excited, but did not satisfy investigation) speaks of the circulation of the scriptures in a tone at once ambiguous and evasive. It sets forth that the "Catholic "church has never forbidden or discouraged the reading or the circulation of authentic "copies of the sacred scriptures, in the *original* languages." Thus the sacred scriptures are *circulated* in a form in which they cannot be *read*, and inquiry crushed by the very means which affect to afford it facilities. But why are the laity allowed to read the Bible in the *original*, and not in approved *translations?* If it be *bad* to read the scriptures in *translations*, can it be *good* to read them in the *original?*—if a knowledge of certain doctrines transfused from one language into another be *evil*, how can a knowledge of those doctrines in the language in which they were written be *beneficial?*—can the thing itself be an *angel*, and its reflection in the mirror a *monster?* Upon the subject of translations the declaration states that the "Catholic

macy, which, if there be uniformity at all, must partake of it, was rejected in England long before the reformation was contemplated; and was principally rejected by those very bishops who were the most zealous defenders of the corruptions which caused the reformation. The council of Lateran decreed that marriages should not be contracted within certain degrees of kindred; and the council of Trent, of some centuries later date, repeals the enactment of the former, and fixes a more confined limit upon

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" church requires that none shall be put into the hands of the faithful *but such as* " *are acknowledged by ecclesiastical authority* (why not define the authority?) *to be* " *accurate, and conformable to the sense of the originals.*" I pause to ask which is the translation that *is* " acknowledged by ecclesiastical authority" to be " conform- " able to the sense of the originals?"—the Douay or the Rhemish? That those translations contradict each other in the interpretations which they put upon the text, I shall seek no authority to prove beyond the words of Mr. O'Connell, in a speech he delivered at a Catholic meeting on the 4th December, 1817. " If," exclaimed the learned gentleman, " the abominable notes to the New Testament, evidently " inculcating hatred to, and the murder of Protestants, whose effects are so injurious " in prejudicing the public mind in England against Catholic Emancipation, are " suffered to remain without a public disavowal of them, both explicit and authentic, " the Catholics will have to encounter a more determined hostility, than has been " arrayed against them since the union. I am a steadfast and sincere Catholic from " conviction that it is the best form of religion: I owe it, therefore, to my religion " as a Catholic, to my country as an Irishman, and to my feelings as a human " being, to utterly denounce the damnable doctrines contained in the notes of the " Rhemish Testament: but if I thought it essential to the Catholic faith to believe " that it is lawful to murder Protestants, or that faith may be innocently broken with " them, and such are the doctrines contained in the Rhemish Testament, I would " not remain a Catholic one hour." And yet the Catholic church, whose " ecclesias- " tical authority" has " acknowledged" *both* editions to be " conformable to the " sense of the originals," claims uniformity of doctrine! " There never was," continues the declaration, " a *general law* of the Catholic church *prohibiting* the " reading of authorized translations of the Scriptures, *but* the Catholic church has " thought it prudent to make a *regulation* that the faithful should be guided in this " matter by the advice of their respective pastors." There is no *general law*, therefore, to *prohibit*, but there is a *regulation* to *control* the reading of the Scriptures. If the people are *bound* to act under the dictations of their pastors, it matters little whether they are bound by a *regulation* or a *general law*, for the effect produced by both remains precisely the same. The only difference is that the odium of prohibition is thrown off the church upon the priest, and that the laity may always argue with impunity that the *church* does not forbid the reading of the Scriptures.

the degrees of consanguinity, within which it may be lawful to contract marriage: thus reversing the decrees of a church whose decrees are irreversible. The Sorbonne divines of the last century, in their correspondence with Archbishop Wake respecting the union of the English and Gallican churches, consented to permit the Apochrypha to be called "deutero-canonical;" and they authorized Dr. Dupin on their behalf to relinquish tradition *as a rule of faith,* which he did in the following words—"This we will "readily grant (that the scriptures contain all things neces- "sary to salvation) provided that you do not entirely "exclude tradition, *which doth not exhibit new articles of "faith, but confirms and illustrates those which are con- "tained in the sacred scriptures.*" This is exactly the sense in which tradition is taken by the church of England—as a *witness,* not as a *judge*—as *evidence,* not as *authority.* But why need I prove by illustration what is already

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After assuming that the pastors of the Catholic church have a right to decide, so far as regards their own flocks, upon making the Bible a class-book for children, the declaration proceeds to state that the "Catholics in England, of mature years, have "*permission* to read authentic and approved translations of the Holy Scriptures with "explanatory notes." Does not the power of *granting* permission imply the right of *withholding* it? As Catholics cannot interpret the Bible for themselves, but must adopt the interpretation of the church, is not their religion a religion of *submission* not of *conviction*? The church decides that the church has a right to decide:—that is, men decide that other men must submit to their decisions. Catholics, therefore, read the Bible with a predisposition to *interpret it according to their doctrines*—they read it as an authority ruled by the church, not as an authority ruling the church. From opposing the reading of the Scriptures without note or comment, they too frequently come to oppose the Scriptures themselves; and what was at first a dogma of faith, becomes in the end the abandoment of faith itself.

It may not be out of place to observe here, in allusion to the assumed uniformity of the church of Rome, that Mr. Wolfe, a Catholic barrister, and author of a very clever pamphlet on the Catholic question, says, that the doctrines of the church are to be drawn not from bulls and canons, but from the sentiments and expositions of learned divines and writers: on the other hand Dr. Doyle asserts that the doctrines are to be drawn, not from the opinions of individuals, but from the canons and councils. Query.—How can there be unanimity upon the doctrines, when there is disagreement upon the authority?

proved by human nature. There is no such perfection in either the church of Rome, or the church of England, as unbroken uniformity of doctrine. But the first claims it, the other does not.

You ridicule the incorporation of church and state, and forget that the source from whence you derive your religion is essentially temporal and spiritual. You say, that "the "state has superseded the church, and become itself the "depositary of religion—the framer, the modifier, and "the defender of the politico-religious creed of the "nation. * * * * * * It is a sort of theocracy we live "under. This sacred powerful body rules every thing: "the church established, the army, the navy, the colonies, "the trade, manufactures, and soil of the country belong "to it: it has its thousands, and tens of thousands pre-"pared to defend its decrees, of whatsoever character or "description; and where its code of religion is assailed "by controversy, all its servants and agents are called "into action, to protect and justify it." Pa. 251-2. I cannot find a better escape from the fury of this assault than in the prisons of the inquisition; where the unnatural mixture of spiritual subjugation and carnal torture—of sacerdotal authority established through blood and criminality, and of human power enforced by the instruments of religious persecution—afford the best reproof to your imprudent ridicule. But where have you learned this lesson of unbecoming invective? Was it in your college, *or its hall of disputation*?—amidst unripe theologians, just initiated, between the age of curiosity and information?—whose practice in polemics is the shifting of creeds with theatrical agility:—who are taught to revile and defend in turn the doctrines of the church they are educated to denounce; until becoming fluent, by habit, in all the positions of calumny and vindication, they are sent into the world at

last, made up of the ambiguous ingredients of prejudice compounded with hypocrisy, and frothing levity with monkish dullness? I pray you, Reverend Sir, to look a little into the histories of Catholic Spain and Italy: disburthen your conscience of the state associations they present, and which must deeply wound its tenderness: let your pious sensitiveness first reform the tribunals of Rome, purge them of earthly corruptions, and the desires of the flesh:—reduce the Pope to a spiritual christian, the cardinals to mere ministers of the faith:—blot out the record of holy assassinations consecrated by the commands of the church, and armies of robbers converted into saints by its benediction:—recall the revenues of ecclesiastical rapacity—unyoke the harness of priestly usurpation—set apart the lawgivers of the council from the monks of the vatican—and then, and only then, may you address your cant of reformation to a form of government which you envy for its perfection, and which can never hope to extort your praise until its elements are degraded down to your capacity.

But, you assert, (p. 251.) that all controversy with the church of England is fruitless, until she proves that she is the church against which Christ promised the gates of hell should not prevail. All controversy with the church of Rome, I reply, is fruitless, since in that church it is damnation to change a doctrine. It is you, therefore, not the church of England, that raise the obstacle to discussion.

It may be curious to examine, briefly, your mode of proving your church to be the true one. A line of descent from our Saviour to the present day has, you say, been preserved unbroken in the popes ("Christ's vicars upon "earth"); which line of descent, or succession, proves, you assert, the real, visible, and continuous existence and ministry of the church of Christ:—and you admit there

have been bad popes. If it be necessary to the true Catholic faith to believe that the pope is the successor of our Lord, it must also be necessary, as a justification of that belief, that he should, in some wise, be a *fit* successor. If this deduction be just, it follows that, when the papal chair was filled by such men as the profligate Clement, or the impious Benedict, the spirituality of the church was suspended—that it did not (during those periods) exist, wanting the succession that was necessary to its existence—and, consequently, that the doctrine of succession is a fiction. If, however, the unfitness of the man be no objection to the administration of the pope, it follows, that purity in the head of your religion is not necessary to constitute obedience in you—that a bad christian can be as good a pope as Peter himself—and, consequently, that the whole line of succession is a human device, not a divine institution. In either case the principle is monstrous; because in the one, you claim a succession that is at variance with facts—in the other, a succession that is at variance with the gospel.

That the institution of a supreme bishop, or successor of St. Peter, is of human derivation, is sufficiently proved by a letter of Gregory, bishop of Rome, a document which has come down to us amongst the accidental remains of a period of darkness and devastation. When the emperor of Constantinople declared John, bishop of Constantinople, supreme bishop, Gregory, bishop of Rome, remonstrated against such supremacy, not on the ground that he ought to be supreme bishop *himself*, but that *no* bishop ought to be supreme, and that such supremacy was a dangerous novelty. He concludes his letter by remarking, *that when one bishop exalted himself above his fellows, the reign of anti-christ had begun.* In truth, the primitive church was a simple republican: then it was corrupted into an aristocracy;—next into a complicated and divided oligarchy;—and finally, into a despotic monarchy.

When you speak of the laxity of the doctrines of the church of England, you seem scarcely to comprehend yourself, and argue like an umpire who exhibits a feverish anxiety to dispute both sides of the question. I shall therefore take the liberty of placing your opinions upon this point in juxta-position, under the head of

CONTRADICTION.

Her (Church of England) creed, consists of thirty-nine articles: of these twenty profess a doctrine which she believes: a doctrine which, by alterations seemingly not very important, could be admitted by Catholics as true and orthodox: the remaining nineteen are made up of negations of what we deem truth. But the entire taken together, prescribe a fixed and settled rule of faith. Whosoever does not in heart and mind adopt this rule, though he may be externally united with the church of England, is, notwithstanding, guilty in her opinion, of heresy and schism before God.—p. 207—8.

Again, this politico-religious creed, which has been prepared, and enacted, and amended, like any other act of parliament, comprises but a few articles: these articles, as the professing believers and teachers of them tell us, have, for a great part gone into dissuetude, or undergone a silent reformation, so that at present a man may adhere to them, as to a religious creed, without believing all of them, or almost any of them; or he may believe them in a summary or general way, without believing each of them: hence arises a freedom or licentiousness of judgment in religion, the parent of numberless sects amongst the weaker-minded, and of irreligion or deism amongst the immoral and those styled learned. p. 252—3.

In justice to your theological skill, I must place under the same head your opinions of her "exclusiveness."

CONTRADICTION.

The exclusiveness of the church of England, is one of the most prominent features of her doctrine and discipline. p. 207. In her eighth article, she decrees that the "three creeds," including that of Athanasius, "ought "thoroughly to be received "and believed." Each, and all of these creeds being a symbol or collection of articles to be believed, a *tessara*, or rule of faith, necessarily establishes the doctrine of exclusive salvation. p. 208.

All Protestants allow that salvation can be obtained *even* in our Church, because, forsooth, we have preserved the essential truths and precepts of Christianity, and are on that account a portion of the *one* Church, and partakers of, or believers in the one necessary faith. p. 256.

In the first extract above quoted (p. 207—8), you state that the thirty-nine articles "prescribe a fixed and settled "rule of faith"—that "whosoever does not adopt this rule "is guilty in the opinion of the church of England of heresy "and schism before God," and that nineteen of these thirty-nine articles are "made up of negations of what you deem "truth." In the last extract (p. 256), you state that "all "protestants allow that salvation can be obtained in your "church, because you have preserved the essential truths "of christianity," and are consequently "partakers of, and "believers in the one necessary faith." If all those who do not believe in the thirty-nine articles are, in the opinion of the church of England, "heretics and schismatics," and

that nineteen of those thirty-nine articles are "negations of "what you deem truth," how can "all protestants allow" that those are "partakers of, and believers in the one "necessary faith," who not only do *not* believe in the thirty-nine articles which, in her opinion, constitute "the one necessary faith," but *do* believe in that which nineteen of the thirty-nine articles deem *contrary* to "the one neces-"sary faith?"

Having dismissed as briefly as they would permit, those few topics respecting the church of England, I return to the assumed possibility of papal interference in the allegiance of the Roman Catholics of this realm, and enquire how it affects the question of Catholic emancipation.

It is dangerous, say the opponents of emancipation, to grant civil rights to a people who acknowledge a foreign influence. The reverse is the fact.

The danger consists in *witholding* civil rights from a people who acknowledge a foreign influence. If that foreign influence be available—if it be a species of influence calculated to awaken suspicion on the part of the government (which it is not)—then make it the interest of the people to resist it, by incorporating them with the state, and blending them and their interests with all our civil, military, and fiscal institutions. It is not in human nature to sacrifice personal interests to voluntary and abstract theories. But if it be a foreign influence of a weak, contemptible, and helpless character, (which it *is*)—still emancipate the Catholics—you have nothing to apprehend.

In proving that there exists in the church of Rome that disposition which is more familiarly known by the name of an invading spirit, I have not sought to prove either that the laity are *bound* to obey it, or that they *would* obey it. The first is not, perhaps, so clearly demonstrable as to leave the question beyond controversy; and the second

must wholly depend upon the circumstances in which the Roman catholics are placed, by which their inclination to obey it, is either impelled or subdued. The decretal *Unam Sanctam*, which I have quoted, is a Church authority, in *support* of the foreign jurisdiction of the Pope—there is *no* church authority *against* that jurisdiction: therefore conceding (which I only do for argument's sake) that that decretal be placed totally out of view—the Pope's foreign jurisdiction still remains a negative power, neither contradicted, questioned, nor restrained by any bull, canon, or ecclesiastical mandate whatever*. The obedience of the laity is also negative, in this, the most liberal construction that can be given to the subject:—*the laity are not forbidden to obey.*

If, therefore, we find the Roman catholics acted upon by the *influence* rather than the *authority* of the Pope; if we find that there is wanting to complete the papal jurisdiction over temporal rights but the *inclination* of the laity: the laws that *excite* that inclination *create* the danger, and encourage foreign interference by ensuring domestic acquiescence. The attachment of the subject must spring from protection and privilege—his alienation from coercion and injustice. If the pope meditated an interposition between the legislature and the people, the season he would select would be when the impolicy of distinctive laws had created a discontented disposition, and prepared the popular mind for anarchy and separation. The penal code is an invitation to the court of Rome! Attach the Catholics, and the temporal influence of the Pope would be as feebly felt, as it would be timorously exercised. His strength is in your weakness—his weakness in your strength. You who com-

* The best and simplest proof that the Church has never restrained this power is, that the Pope has attempted to exert it; if the Church had over-ruled that power, the Pope certainly would not attempt to usurp it.

plain of the uneasiness and dissatisfaction of the Catholics under a penal code, forget that its removal would produce in the same ratio their tranquillity and allegiance. They would not deserve privileges if they could live without them; and upon the same principle by which we *hold* our rights, they *seek* theirs. Do not, therefore, transmit to the vatican the voice of a divided country;—do not suffer it to be whispered to his holiness that the soil of Ireland is prepared for the seeds of fanaticism and monkish despotism;—release your people from the desperate resource of breaking through one bondage only to embrace a worse;—and deprive the bugbear, papal power, of all its terrors, by placing the Roman Catholics above the bribery of its refuge, and the protection of its slavery. It would be wise to convert the Pope into a spiritual master, by giving so much freedom to the Catholics that they would be released from his temporal influence.

What! it will be objected, you admit all the errors of the Roman Catholic religion, and yet you would emancipate its professors?

It is because I admit those errors, I would emancipate its professors. I oppose the religion that subjugates, but I would release the people who are subjugated. I would not grant emancipation because those errors exist, but because I wish to see them diminished: not as a *reward*, but as a *preventive*. My desire, therefore, to see protestantism more vigorous and universal, induces me to recommend the means by which catholicity would become less so.

In viewing Catholic emancipation as a political question, distinct from theological considerations, I shall divide it into two enquiries. *First*, as it would affect the Roman Catholics—*second*, as it would affect the Protestants. I speak of emancipation without the prejudices of party: if I am a Protestant, it is from conviction, and not from inte-

rest. I disclaim the paltry motives that link men to the support of a principle, to which they either express their indifference, or refuse their conviction in private. Without a bias to stimulate my patriotism, or an expectance to urge my loyalty, I am not ductile enough for popularity, nor partizan enough for place. My object cannot be comprised within the enchanted circle of any sect or faction in the country. I have passed the rubicon of prejudice, and dare to think for myself.

First.—The great and fatal error into which the Catholic advocates of emancipation seem to have fallen, was that they addressed Catholic passions, rather than Protestant prejudices; that they inflamed where they should heal; and excited fresh, where they should have sought a remission of old animosities. There has been a slow, but steady change in Protestant sentiment of late; owing partially to the tide of information which the parliamentary committees have poured upon the country, and principally to the increasing necessity which every day's experience developes for the application of new measures to Ireland. The Catholics have not been sufficiently vigilant in improving this growing sentiment; they have not sufficiently impressed upon the Protestant mind, that emancipation has protestant as well as Catholic advantages: they have been too earnest in displaying their sensitiveness under wrong, when they should have been employed in removing the misconceptions by which that wrong was perpetuated: they have been too careless of English opinion, because they were sure of Irish co-operation: and they have yet to learn that not only would emancipation be valueless, but that it would be calamitous to them, if granted against the free wishes of the Protestants of the empire. For the sake of Catholic interests, I would propitiate Protestant influence, and for the sake of Protestant influence, I would secure Catholic interests.

There is a reciprocal dependency between them, that cannot be disturbed without reciprocal injury. Public opinion will be found a stronger ally than legislative caprice—it will penetrate to the deliberations of the senate, and, rushing to the foot of the throne, carry to the ear of a paternal monarch, the voice of an attached and united people.

If the question of emancipation has distracted the people, the people have distracted the question. Few know the real, but all feel the exaggerated evils of Catholic disabilities. What are they? The higher situations of emolument, confidence, and political weight are closed: while the representation of the country, the actual civil freedom of the citizens, is in the hands of the uninstructed, and, therefore, the most dangerous portion of the Catholics! When political adventurers talk of the danger of granting what is *sought*, let them look to the danger of continuing what is *granted*. If their policy be just, and their views constitutional, they should repeal the act of 1793; instead of wasting the energies of the nation in discussing a *lesser* evil that is only proposed, they should vigorously repeal a *greater* that is in actual operation: they should abandon problems for realities, and quench the fire that is actually raging, before they erect reservoirs for a fire that may never be kindled. The fact is, that the *people*—the great mass of the peasantry—are already nearly emancipated. Almost all the *privileges* to which they could by possibility attain, are already open to them*; but our wishes become insen-

* It must be remarked, however, that although minor offices are nominally open to the Catholics, they are virtually closed. Those places are monopolies, and the monopolists exercise their discretion. The same principle which pervades the upper ranks extends to the lower; and as the Catholics are excluded by law from the House of Commons, they are excluded by prejudice from the corporations. This evil cannot be remedied except by the creation of new charters, or a reformation in opinion. If the legislature were to admit the gentry, no doubt the common-councilmen would gradually unfold the doors of their blessed sanctuaries.

sibly increased in proportion to our means of gratifying them; and the peasantry have caught from the gentry the only murmur of discontent that remains. Legislative concessions commenced at the wrong end, for there was more real danger in bestowing privileges upon the ignorant, and keeping the educated excluded, than there would be in disfranchising the whole at once. Power was placed in the hands of those who, abandoned to local incitements, were most likely to abuse it; while the moral influence that would have restrained popular licentiousness, protected popular rights, and preserved in the country a solid respect for the authorities, was treated with singular indifference, and enigmatical levity. This inverted legislation has kept the country in a state of constant agitation: the populace privileged on the one hand—the gentry degraded on the other—and a mercurial priesthood placed between both, to telegraph the inquietude of the Catholic aristocracy into the heated bosoms of the Catholic mob. Thus particular injustice is expanded into universal injury, and the grievance of a few becomes the adopted complaint of all. But it is natural that while a vestige of injustice remains, remonstrance should continue. It is natural that in proportion as our grievances diminish our complaints should increase, until the source of discontent is wholly removed; for it is a state more restless than that of Tantalus—it is permitting the waters to cool the fever of the body, but repelling them from the eager thirst of the lips.

In demanding emancipation, it has been the error to demand what is called "unqualified emancipation:" and some Catholics assert they will accept no other. This is palpable folly, for they must accept whatever the legislature grant. Concessions to Catholics have been hitherto granted by degrees; the American war, and the French revolution saw rigorous enactments repealed; by degrees,

the severity of penalties against religion, education, and personal property relaxed and dropped away; by degrees, district complaints rose to national appeals; and, by degrees, in seeking the rights of citizenship, Catholics established the most important right of all—the right of petition. And shall they who gratefully accepted in detail all that they now possess, refuse to come upon terms for the remainder? Is not every new concession an advance towards full immunities? And would it not be criminal to coquet about petty differences, at the moment that the great principle is conceded? The Catholics of Ireland know that the penal code will never be finally repealed unless some collateral measures accompany it, calculated if not to *secure*, at least to *satisfy* the Protestants. Such measures would, no doubt, be called conditions by one party, and might not, perhaps, be sufficient to please the penal cravings of the other; but they would meet the confidence and approbation of honest and sensible men of all parties. The folly of petitioning for unqualified emancipation has punished itself; for many Catholics, seeing its weakness, peremptorily declined affixing their signatures to petitions; and many of those who signed, did so, not in compliance with their own conviction, but to silence bigotry. The mode and adjustment of the measure ought to be left to the legislature. It would be respectful and prudent.

As I have touched upon measures subsidiary to, or collaterally connected with emancipation, I feel it necessary, although I do so with reluctance, to revert shortly to the late adjuncts that conditionally accompanied the emancipation bill.

Of the bill for the repeal of the 40*s.* freehold in Ireland, it would be out of place to enter into detail. It is not connected by any necessary dependency with Catholic emancipation: nor would it be difficult to prove that it is a ques-

tion almost exclusively affecting Protestant interests. With, or without emancipation, I should be glad to see 40s. freeholds abolished: it would be good in spite of penal laws—and what is there would not be better without them?*

The other bill, by which a provision was made for the Roman Catholic clergy, is not alone connected with this subject, because you, Reverend Sir, have alluded to it in your work, but, also, because, sooner or later, it will form a subject of legislative consideration. The simple purport of this bill was to fix an annual stipend for the clergy, at a rate averaging as nearly as could be computed the income they at present enjoy. There was no interference with existing interests. There was no veto upon individuals. There was no interruption to the usual course of nomination and promotion; and the ecclesiastical independence of the Roman Catholic church was left perfectly uninvaded. Indeed the only particle of that bill to which I can discover an objection, was that which appointed a "commission "board;" not that I object to the principle itself, but to the mode by which the principle was to work, which would have perpetuated in the hands of the Roman Catholic

* The late elections in Ireland, which took place since this passage was written, afford singular illustrations of the opposite deductions which prejudice and party lead men to make from the same fact. Instance Waterford. The 40s. freeholders, say the Catholics, have thrown out Lord George Beresford, and proved their independence. What is the fact? They have proved that in throwing off the yoke of the landlord, they have sunk under the dominion of the priest: that they have but exchanged the fears of destitution for the horrors of excommunication: and risked temporal ruin, to purchase spiritual favor. If they acted from principle, they did not need the ferocious excitement of ecclesiastical anathemas: but they had to select between heaven and Lord George, and they saw that if they voted *for* the one, they would be voted *out* of the other, and they wisely determined to secure the future life, by risking the present. Let those, however, who condemn the appalling attitude assumed by the priesthood on that occasion, also condemn the system which gives effect and opportunity to their influence. Give equality to the Catholics, and you deprive the priests of political power. It is less the Catholic religion than the penal code, which gives the priest his influence in Ireland.

bishops an arbitrary and very unpopular power over the second order of the clergy. That, however, was but one of the modifications of the arrangement, which would in course of time have corrected itself.

Amongst those, Rev. Sir, who most violently opposed that bill, you were distinguished. "My religion," you ardently exclaimed, "shall be as pure as the wife of Cæsar, "and even Jove himself shall not stain her chastity, though "he woo her, like Danae, in a shower of gold!" I have heard of a bishop who as vehemently opposed the bill, and yet, sanguine of its success, and of his being immediately put into the commission of the peace, he directed a confidential friend to purchase a suitable residence for him in his diocese: *he* was determined at all events to leave the cloisters for the castle, and to profit, if he could not become popular, by what he affected to condemn. Should such a bishop again appeal to public credulity, how should he be received? What reliance should be placed upon the professions of a man, who, like Harmodius, conceals the steel of assassination in the olive leaves of attachment?—who assumes an opinion to suit an exigency, and is ready to barter it when the moment of profitable prostitution arrives?—who preserves his popularity by the sale of his integrity, and swears he will be a martyr, until it is his interest to become a Judas?—and who only waits for the wages of his guilt to violate all the obligations of his hypocrisy? Should *such* a bishop again tempt the indulgent indignation of his country, he would deserve that punishment which men of honor could not endure, and men of honesty would not deserve.*

* The Clergy Provision Bill was first introduced about June, 1825. On that occasion Dr. Doyle, after exhibiting much skill in giving apparent simplicity to learned sophistication, said, that he should prefer not receiving such a provision, but that if it were made a condition upon Emancipation he would not refuse it. At the

The opposition to this bill was as furious as it was unprincipled. It neither partook of the advantages of argument, nor the merits of zeal:—for while there was nothing advanced resembling the shadow of the shade of reasoning, the individuals who were most implacable were men who never contributed a single shilling towards the support of a priest!—men who resisted the introduction of a new system, without making a single effort to maintain the old one! Politics is but the economy of an extended family; and there ought to be as much sincerity and fair dealing in the acts of a public man as a private individual. It is worthy of observation, too, that the objections were such as never should have escaped the pens or lips of Catholics who believed in their religion. It was asserted that pensioning the clergy (as it was termed in the language of those who either could not, or would not understand the nature of the provision) was a measure which would corrupt them, and alienate them from their flocks. The enemies of their religion could not assert a more atrocious calumny than this; for it means that the Roman Catholic clergy are men who cannot be trusted, and that they are capable of abandoning their religion for a bribe: it places them in the situation of the Delphic priests of old, who juggled behind the oracles only so long as they had no other means of employment: it asserts in direct terms that the Roman Catholic clergy do not believe what they teach, since they teach it, not because they believe it, but because they are

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end of six months—after the Bill was lost, and when nothing was to be gained by assenting to it—Dr. Doyle made a speech at Carlow, in which he condemned that measure as a bribe calculated to infringe on the independence of his church, and compromise its principles; and finally declared that he had secretly determined to resign his mitre if it had passed into a law. Thus he consented to place his church in a situation of so much dependence and corruption, as to make him conscientiously resign his ministry in it! It should never be forgotten that all the Roman Catholic archbishops and bishops consented—reluctantly or freely—to that bill.

paid for teaching it: it asserts that they are *hypocrites* now, since they would become *apostates* then; and it surrenders at once all confidence in their purity, probity, and devotion, since it arraigns their present motives, and blackens their future. Can Catholics subscribe to such doctrines as these? If they did, your chapels would be unpeopled—your ministers would become paupers—your altars would be desecrated by the hands that raised them—all records and emblems of your faith would remain only as testimonials of its destruction—and you would discover, when too late, that the Lawless and Ensor of your politics, would become the Diderot and D'Alembert of your religion. Sincere Catholics must believe that their religion is formed for universality, and that, as it is the only *true* faith, it must ultimately become the *only* faith. It must, therefore, in every country possess an establishment—it must gradually assume a permanent and solid form, and become incorporated with the stability of nations by means that cannot fluctuate or decay—means as stable as the institutions of the state. Sincere Catholics *must* believe all this; and, on Catholic principles, I am at a loss to discover how any member of your communion could object to that which promised solidity and station to a religion that must (on those principles) be finally universal and supreme.

But the provision proposed by the bill was not for the *man*, but the *office:* it did not recognize, nor could not reward individuals: it had relation only to a body, not to the persons who composed that body: it came without a single stipulation: it was abstract and distinct from conditions: it was not a stipend for services that were performed, or that were to be performed, for the state: it was not a compact between the clergy and the government: it was endowment without restriction: it was to be accepted on the one hand without a compromise, as it was given on

the other without a restraint: it, therefore, could not be taken away by caprice, nor forfeited by misapprehension: if a priest was degraded by his bishop, he could not be protected by the government: if he was retained by his bishop, government could not deprive him of his stipend: the duties he performed, were performed for the people, not for the treasury: it was to them, not to the secretary he was accountable: if he preached Protestant doctrine in complaisance to a Sir George Hill, he should resign his parish in obedience to a Bishop Crolly, or a Dr. Kiernan. In short the only change the bill would make in the condition of the clergy would be to lift them above the necessity of begging from beggars, and enable them to bestow, where they had been in the habit of receiving alms. It would relieve them from the pressure of continual pecuniary uncertainty—it would produce a calm tranquillity in their minds more suitable to their duties, by releasing them from the anxiety of temporal cares: they would no longer be obliged to accommodate themselves to the lowest habits of society for the sake of cultivating petty resources; and when called upon to attend misery, they could do so without feeling they were victims to misery themselves.

It must be observed, too, that their unequal circumstances render some equitable adjustment as necessary to their welfare, as it is due to their merits. In some parishes, and those, too, the most formidable in extent, and laborious in duty, the priest scarcely receives enough to support his obscure and unambitious mode of life; while in others, where the duties are more limited, and the range of action more confined, the income of the priest is not only beyond his necessities, but inconsistent with his station. The parish of Clonmell, for instance, and the Metropolitan Church, are to the priests respectively engaged (and in the latter there are several) worth £1000. per annum individu-

ally—while some parishes in the west and south do not produce £100. This loudly calls, if not for legislative interference, at least ecclesiastical arrangement.

As I have alluded to the revenues of the Roman Catholic priesthood in connection with the late provision bill, it will not be out of place to shew the absolute necessity for such an enactment, in the event of Emancipation being granted: and to this branch of the subject, which presents a view as new, I believe, as it will prove useful, I beg particular attention.

Catholic Emancipation would be but partially serviceable to the state, while it would be positively injurious to the Roman Catholic clergy, if unaccompanied by some permanent, approved arrangement for the support of the latter. Emancipation is a benefit bestowed upon the laity: in that benefit (which consists of civil immunities) *the priesthood cannot participate:* it grants an eligibility through which they can derive no privilege, because that eligibility has reference to privileges from which they are excluded. It would, therefore, have the effect of advancing the laity to a certain degree of political importance, *while it would leave the clergy just as they were:* and in the same proportion as it *ought* to attach the former to the government, it *would* alienate the latter:—and while the clergy would not be drawn closer to the state by one single motive, they would be thrown of necessity upon the people by motives obvious and numerous. Such a policy would excite fresh discontent in that class whose discontent is the most dangerous, because their influence is the most extensive. It would aggravate the greatest evil, and only partially heal the rest. It would be like repairing the subordinate works of a piece of machinery, and leaving the main wheel, upon which the whole moved, encrusted with obstructions, and fruitful of danger.

An establishment for the clergy, then, is necessary to fill the measure of their attachment to the state—attachment, not *conditional* but *perfect*—attachment given not as an *equivalent* but as a *duty*. And it is also necessary to the clergy, as, without it, they could not enjoy the advantages of emancipation. *So long as the present mode of drawing their incomes continues, they can never benefit by any legislative concession whatever.* They will be distrusted by one portion of the people, so long as they are dependent upon another: not merely because such dependence is incompatible with their free will, but because it must, of necessity, place their *interests* and their *duties* at variance. It could not be hoped that under such a system any of the priesthood could be placed in the commission of the peace, to which, by emancipation, they ought to be eligible: it could not be hoped that they should enjoy the confidence of the authorities, when the very nature of that confidence would interfere with their means of support. They would, therefore, feel little interest in the stability of a government from which they derived no benefits—and the government would have no intercourse with a class of persons whose co-operation would be as doubtful as it would be indefinite.*

But there are reasons more forcible than these, that would influence both the government and the clergy to adopt such a measure. With these reasons Protestants in general are unacquainted, because they arise in a sphere remote from their intercourse—a sphere involving the internal discipline of the Roman Catholic church. If Roman Catholic laymen knew these reasons, they feared to publish them—the clergy, upon whom they press, *dare not*. I, for whom

* The slaves amongst the Romans could have no confidence in the laws—and, therefore, the laws could have none in them.——MONTESQUIEU.

excommunication has no terrors, will speak for them. By taking advantage of the anomalous state into which Ireland has been plunged, and which makes the Roman Catholics adhere with superstitious reverence even to the abuses of their religion, the bishops were enabled to usurp an uncontrolled dominion over the second order of the clergy, which, obtained by accident, was preserved by oppression. At a period when their religion was proscribed for the maintenance of alleged errors, the clergy were unwilling to expose the existence of real abuses: and the monopoly of the hierarchical corporation was, therefore, suffered to increase in silence, and with impunity. The Roman Catholic bishops are the agents of the pope in all spiritual matters. They correspond with, and act for him: they receive his instructions, and promulgate them: they are deputy principals, and exercise an ecclesiastical authority that never was delegated to them, merely because its victims (the secular clergy) have no direct means of redress —in fact, no appeal. This authority is undefined—it has no limit but the caprice of the bishop; and places the second order of the clergy in circumstances of singular and peculiar embarrassment. Subject to powers whose edicts are not enforced by the procedure of the civil law, but by the terrors of censure, suspension, and tyranny in detail, they have no choice between obedience and degradation. The power of censuring, which is vested to a certain extent in the hands of the bishops, does not reach to the temporalities or revenues of the clergy—this is expressly declared by the council of Trent:—and yet uncanonical censures are of constant occurrence, and would be more frequent did not the parish priests implicitly sink under the fearful warnings of episcopal wrath. I assert then that a legal protection should be given to the secular

clergy: they should no longer be degraded into mere machines—the spell of the selfish oligarchy should be broken—the abuses of the power of censuring should be made subject to the law of the land, *as they are in France;* and a regular provision should be granted to the second order, that the sources of their existence, at least, should not be invaded by the rapacious spirit of this ecclesiastical league. The legislature cannot be at a loss for precedents—let the acts of Edward 2nd and 3rd upon this subject be consulted. As I am fond of illustration, I know not a better proof of this system of intermeddling with the temporalities of the secular clergy than your proposition to government, Rev. Sir, that the stipend projected in the late bill should be doled out under the jurisdiction of the bishops. Really it would amuse even a graver man than yourself, Dr. Doyle, to observe the unsophisticated amazement with which the poor priests received that intelligence—they saw that the mitres and croziers were resolved upon carrying their pretensions to the very gates of the senate, and having them embodied, if possible, in a special act of parliament. But the arbitrary dominion—the little knot of intolerance shall be broken up. Let the clergy but co-operate with those who would free them from the unjust exactions of uncanonical rigor: let them fearlessly express their unanimous approbation of an equitable provision, and then, and only then, may they profit in an equal ratio with the laity by the measure of emancipation. But it is not to the bishops alone the attention of the legislature should be directed—there is another class less prominent, and equally objectionable, who should become a subject of "legal consideration." The convents of the Mendicant Friars, dispersed over the interior of the country, are numerous and wealthy. These friars are like the Hidalgos—indolent and insolent: they perform none of the

parochial duties: they are idle, ignorant, and dangerous: the satellites of the pope—the enemies of government: unfit for the duties of allegiance, unless they are connected with intrigue; and incapable of the virtues of confidence, unless it is the confidence of crime. Their servility and attachment to the court of Rome are not forgotten, and their desire to forward its views, through evil report as well as good, is sufficiently evidenced by the frequent rebukes with which the pope has visited the Munster bishops for their indifference to these Janissaries. These men are spies upon the secular clergy—they blight with poison all their appeals to the holy see: the bishops, themselves, dread their influence, and all parties would be glad to see the body totally suppressed, either by an unequivocal injunction from Rome, or by a more positive act of the British Parliament. Would it not be well done, Dr. Doyle, to draw Lord Liverpool's attention to these friars in your next pamphlet?

But to return to the Provision Bill. The principle of this bill cannot be contrary to the spirit of the Roman Catholic church, since it has been already acted upon in several instances. I will cite a few.

The government of England have a veto in the nomination of the Roman Catholic bishops of Canada, and yet that church is not less pure than the Irish. If such veto be inconsistent with the doctrine, discipline, or edicts of the church, could it obtain in Canada?*

* The privilege of nominating to vacant sees conceded to sovereigns, is by no means a novel or unusual theory in the Roman Catholic church. It sprung out of the original mode of election, which was in presence of the people, and like all popular elections, often occasioned disorders and bloodshed. Several modifications were, in consequence, subsequently adopted; until the popes at last conceded to kings, as the local protectors of the church, the right of nominating, presenting, or postulating to vacant sees. The first arrangement of this kind was between Dennis, king of Portugal, and Nicholas 4th in 1289;—the next was between Nicholas 5th

The Roman Catholic clergy of Scotland receive a stipend from the crown (on the plan of the bill under discussion) which met the marked approbation of the pope, who expressed his grateful acknowledgments for it to the English ministry. Upon matters of discipline, if not doctrine, is not the pope admitted as good authority?

The Gallican church is paid by a state provision; and, in spite of the Jesuits (who happily possess no influence in France with any branch of the legislature—*except the royal family)* that church is likely to assert and maintain its independence.

In the year 1799, ten of the most learned and pious Irish Roman Catholic bishops expressed their unqualified approbation of a provision, which the government then contemplated for the clergy.

These circumstances must perfectly satisfy any reflecting Catholic that a provision for the clergy is not incompatible with his faith—dangerous to his doctrines—or injurious to the ministry: and that the objections to that measure, and the clamor for *unconditional* emancipation, are but hypocritical pretences used to prolong the agitation of the

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and the German nation in 1448. The kings of Hungary, Spain, France, &c. now exercise the same privilege. The Stuart family, previously to their expulsion, possessed the right of nomination and presentment in these countries; and down to a few years ago, every descendant of that family exercised it That family being extinct, the right has died with them: and would, it is reasonable to suppose, be again conferred on the king of England, if application to that effect was made to the pope. The veto, which the English government possess in Canada, is similar in constitution to that which was fixed by a concordate between Leo X. and Francis 1st of France, at Bologna in 1515. By the latter, three persons, graduates in theology or canon law, were to be proposed by the king—the pope then appointed ecclesiastical commissaries to examine their qualifications: if the report was favorable, he fixed on one name, commonly the first, who was afterwards proposed in consistory, and, if no objection appeared, appointed bishop. By the former, a certain number of names are transmitted to the English government, who select one, which is forwarded to the pope for his final approval: should he reject it, government substitutes another—but, in every instance, the name must be first sanctioned by the English ministry.

question for *professional purposes.* With the agitators and the objectors I have nothing to do—it is for the Catholics to think and act for themselves.

Before I conclude this division of the subject, a word on the policy of associations. They are productive of one evil—but that is a serious one: the danger of individual sentiments being mistaken for the opinions of the body at large. This is a consequence inseparable from all assemblies that are virtually representative. The people neither depute, nor disclaim the members—if a fatal error be committed by the association, the people must abide by it, or publicly separate themselves from its acts. In either case an injurious result must follow:—in the first, by becoming responsible for error—in the second, by exhibiting the weakness of division. I do not mean to argue that the Catholics should not be directed in their counsels by men of experience, wisdom, and sound discretion. There must be an implied direction, where there is avowed confidence—there must be, in the commotion of the waters, some resource within the ship, or she is lost. But that direction should follow confidence not precede it, it should not look like a delegated power; it should assume a voluntary, single, and irresponsible character. It should be the direction of advice, that would produce the effect, without arrogating the functions of control:—because no evil can fall upon the people from its errors, while they must receive all the benefits of its utility. The individuals to whom that direction will be confided, will rise to a representative importance, without incurring the dangers of representation: they will form the aristocracy of talent; ability will find its station; and intercourse, and communication, and reciprocal confidence will take place without a single pledge, or a single risk. At one period there was Keogh—at another Scully—at another O'Connell. These men, however differ-

cnt their views, capacities, and opportunities, stood in the foreground of the picture, and, without the aid of committees, boards, or associations, there will be Keoghs, Scullys, and O'Connells, until emancipation is granted.

There is much to condemn, and little to applaud in the proceedings of the *New* Catholic Association. Its very existence is an infraction of the late Act. Those only who boast of obedience to the letter of the law, are worthy of violating its spirit. That Association, like all popular and mixed assemblies, is composed of contradictory and isolated elements. It has its cabals, its factions, and its intersecting interests. There is not a question it discusses that is not headed at one side or the other by some mercurial individual, who either is, or fancies he is, of consequence to his country: the struggles of minor men to obtain a rank in the debate—the anxiety to be abused by the orange newspapers, and defended by the Catholic—first impressions—first speeches—the petulant opposition of beardless politicians to the veterans who have grown grey in the cause—are all amusing enough in their way, but far from being instructive. One gentleman who has been nursed in the lap of an orange county, and who minces his Majesty's English from behind an exclusive cravat-tie, seems to have taken under his special protection the question of population, and the cause of the priests. But that gentleman devotes more time to his linen than to his learning—he is all simper and no sense. Another undertakes the subject of education who wants to be educated himself; and in his anathemas against the penal laws of the land, exercises over his opponents a penal law of opinion. Another, mistaking malignity for benevolence, imprecates, with a face of forgiveness, and calls in the aid of his sacred profession, that he may violate all its charities with true christian grace. A fourth, whose sepulchral tones, like the responses of a dirge, seem to issue

from the grave itself, in vain assembles the sprites of his imagination: the hue of his mind is as cadaverous as his cheek: if, like the phantoms in the hall of Eblis, his heart be on fire, it never kindled his eye, or communicated to his tongue:—he is the sexton of the French revolution, carrying about with him the bones of its champions:—he is the raven of America, perpetually croaking for a vote of gratitude:—let him, for the sake of patriotism and prudence, be consigned to the congenial echos of the tomb, which he seems to have pre-occupied from choice. A fifth, who floated like a pippin for a day through the columns of the papers, because he had made a holiday speech that he had been all his life preparing, squeezes into the aggregate, and in a squeak exclaims, "How we apples swim!" A sixth, whose intellects, like his features, are all moonshine, never blubbers out a speech but when there is an association-trial likely to occur at the assizes; his zeal keeps a debtor and creditor account with his costs. A seventh flourishes his truncheon through a few elliptical pauses when the performers are rehearsing; he always objects to the way the parts are cast, and candidly acknowledges, what is very true, that he is quite out of character in that assembly. An eighth—the happy balance of cabals—whose wisdom is good humor—whose influence is pleasantry. This gentleman is irrecoverably linked to any association or assembly the Catholics may choose to convene; and his principal merit is, that since he has undertaken the responsibility he is determined to abide by it. A ninth—the Mirabeau of his day, glittering and captivating—with a genius, like an oriental puzzle, of which you can discover neither beginning nor end. Versatile and passionate, he has sacrificed much to his party—more to his fame. His eloquence is a statue reclaimed from the ruins of antiquity, and placed upon a modern pedestal: the pigmy base seems to totter under its

colossal burden, but its foundation is deep and strong enough to sustain it. Familiar with rhetoric, and saturated with style, he is frequently illogical for the sake of ornament, and obscure that he may be novel. What he wishes to say he frequently sacrifices to the mode of saying it. What he does not understand he despatches by an antithesis, and satisfies his ear at the expence of his judgment. With powers to control the sphere in which he revolves, he is but a meteor in its orbit:—his light comes in snatches, but it is a coruscation not a flash. In other times, he would have been the centre of the system in which he appeared, but he came too late, and his original mind only seemed to irradiate, not create his circle. He began by acquiescing in popular delusion, and ended by believing in it. A dupe to his own sophistry, he can the more readily convert his audience;—but if he be dangerous to the country, it is to its metaphysics, rather than its tranquillity. He is ruled, but not coerced by the mob; and is actually consulting their passions at the moment he seems schooling them. He advocated the Provision Bill until it was denounced by a bishop, and then, without relinquishing it in words, he vilified it in substance. With the reputation of a leader, he is in reality led—not because he wants abilities to secure a pre-eminent, and therefore giddy, popularity, but because he cannot afford to risk it. To superficial observers he is a poet—to deep thinkers, a politician—to men of expanded minds, both—the enemies of emancipation say he is neither. A tenth—wayward, appropriate, and perpetual;—the Brougham of Ireland—energetic even in fatigue—to whom rest is not repose, nor exertion toil—whose whole existence is interwoven in the very web and woof of Irish politics. A man who acts *from* impulse rather than principle—whose life, from the union to the present day, is an epitome of Irish history, marked with all its impetuous errors, heedless

virtues, and unatoned transgressions. He possesses a powerful influence over the Catholics, which, if it proceeded from nothing else, would, from the belief that he would exert it to their best interests. He is often wrong—too often wrong for a man upon whose sleeve so many pin their faith: he cannot be depended upon for fidelity to his own opinions: his constancy is always doubtful, his enmity never dangerous. His eloquence has no fixed standard—he is vulgar when he relapses—ornate when he pleases:—but in a popular assembly, where the passions to be moved are not associated with the graces of education, or the subtleties of refinement, he is alone and unapproachable. For twenty years violent for his party, he became at last moderate for his country; but the degeneracy of faction called prudence hypocrisy, and branded unexpected wisdom with the name of corruption. He then stood singly. The sentiment of popular licentiousness, which he had himself excited, was stimulated against him—and he seemed, like Frankenstein, to be threatened with annihilation by the monster of his own creation. But the recollection of the past was his protection for the future, and the rabble forgot the crime of present moderation, in the recollection of former turbulence. He has relapsed since from the high promise of accidental prudence;—and in relinquishing the praise of honest men, has thrown himself into the arms of fools—repaying confidence with a sneer, and lenity with ingratitude.

> Who would not laugh if such a man there be?
> Who would not weep if Atticus were he?

Such are the prominent materials of the Catholic Association—the giants and dwarfs of the Catholic question.

Second.—Emancipation as it would affect the Protestants is a question of greater magnitude, and deeper importance.

In reference to them it assumes a new character: it is divested of factious politics, and the suspicion of intrigue: it ceases to be merely local, and expands into abstract and universal legislation.

If it be true that the object of law is to restrain, not stimulate the bad passions, then it is true that the penal code defeats the very end of legislation. It has placed one portion of the people *below*, and another *above* the laws:—it has vitiated the public morals by making dissention familiar, and hatred hereditary:—without weakening, it has spread religious animosities:—to its influence we owe the insincerity of private, and the corruption of public life:—literature, sunk into subservience, or wasted by despair, is no longer the type of the national character:—public opinion, enfeebled and oppressed, has no rewards for virtue, no terrors for depravity; to be just, is no longer to be protected—to be corrupt, is but another name for prudence: it gives to perjury the premium of place—to fidelity the reproof of exclusion:—its attachments are venal—its resources, not in the hearts, but the hearts' blood of the people:—their energies decline, their ardor sickens, and their capacities of improvement die under its weight;—and if they render it obedience, it is a reluctant submission to its power, not an assent to its principles. I would say to the protestants of Ireland—you adopted the penal code as an *expedient*—do not permit it to grow into a *necessity*:—abandon that narrow system of vicious politics, by which all that is evil in our natures is stimulated into activity—all that is good, stifled:—under which the privileged have not the sympathy of freemen, nor the degraded the hopelessness of slaves: relieve yourselves from the incubus of an unpopular and unsafe ascendancy, which bereaves authority of respect, and station of dignity; an ascendancy harassing but not overwhelming its victims—giving them sufficient

provocation to feel injury, and leaving them just enough of power to resent it. Do not capitulate with your prejudices, but obliterate the whole code from your statute books. If so extensive a measure alarms your sensibilities, or awakens your fears—remember that the march of devastation was rapid, and that regeneration must, at best, be but progressive, let its means be never so fructive. It is better to adopt remedies that may not seem absolutely necessary, than fall into the evils that will make them so*.

Ireland is literally divided into three parties—Catholics, united by sympathy, and Protestants, divided by prejudice. The former are the physical bulk, the latter the moral weight. The former, scattered into a thousand knots differing upon the means, have a common centre of union in the end—the latter, differing upon the object, have no common point of agreement. One class of Protestants admit the

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* Amongst the *difficulties* thrown in the way of emancipation, one of the most delusive is that it would be a violation of the coronation oath. Lord Liverpool's declaration that the measure is perfectly compatible with the Royal obligation might be sufficient to satisfy its opponents; but I am anxious to strengthen that noble Lord's opinion by the authority of a greater man—Edmund Burke. In a letter which Mr. Burke addressed to Sir Hercules Langrishe on the propriety of admitting the Roman Catholics of Ireland to equal privileges, *consistently with the principles of the constitution as established at the revolution*, I find the following passage:

"Before we take it for granted, that the king is bound by his coronation oath, not "to admit any of his Catholic subjects to the rights and liberties which ought to "belong to them as Englishmen (not as religionists) or to settle the conditions or "proportions of such admission, by an Act of Parliament; I wish to place before "your eyes that oath itself, as it is settled in the Act of William and Mary:

"'Will you to the utmost of your power maintain—1st the laws of God—2d the "'true profession of the Gospel—3d the reformed religion, *as it is established by law*— "'4th, and will you preserve unto the bishops and clergy, and the churches committed "'to *their* charge, all such rights and privileges as by law do, or shall appertain to "'them, or any of them? All this I promise to do.'

"Here are the coronation engagements of the king. *In them I do not find one "word to preclude his Majesty consenting to any arrangement which parliament may "make with regard to the civil privileges of* ANY *part of his subjects.*"

I refer my readers to the letter itself, as a work containing a lucid exposition of the coronation oath in all its clauses.

justice, and are convinced of the necessity of emancipation; these have a general object, which some approach by summary, some by circuitous means:—the other class deny the justice, and resist the necessity of emancipation. That the Protestants are interested in the settlement of the question appears from the fact *that it has divided them.* Were there no other reason, *that* ought to be sufficient. But there are other reasons. The great property of the country—I may say the rent-roll—*did* belong, either remotely or immediately, to Protestants. *It has dwindled, and is hourly dwindling in their hands.* Catholic institutions vie in splendor with Protestant—the crosses lift their stone heads in the distant landscape more numerously than the spires—Protestant proprietors are leaving the country, and selling their lands and possessions to reside in England, or on the continent—manorial residences are either untenanted or sold—and the wealth of the country is gradually transferring into the possession of that very sect, who, the penal code says, are the enemies of its constitution! Who are the merchants, with the exception of a part of a province? Catholics. Who the agriculturists? Catholics. Who the manufacturers and tillers of the earth? All Catholics. And what has produced this change? The influence of unequal laws—laws that created an aristocracy of monopolists—an oligarchy of rights—so odious and oppressive that those who enjoy, are glad to relinquish privileges that place them on so invidious an elevation. In its present state, who that is independent of local attachments would live in Ireland? None. And let it not be supposed that the sprinkling of the established church can supply aliment to the wants of the people, or preserve the Protestant inheritance—let it not be supposed that the few, isolated gentry who preach the doctrines, can also save the temporalities of the Protestants. Alas! the source of the evil is deep,

and universal; nothing can reach it but a permanent and solid measure, introduced with firmness, and acted upon with sincerity.

Such a measure is emancipation. I never heard an objection to it, worth answering, but one; that was, that it *was* objected to by the Protestants. If that assertion were *true*; if it were true that the Protestants of the empire were opposed to the measure, then should it be opposed by the legislature: because to carry an enactment against the will of the nation, would be only falling from the lesser evil it was intended to meet, into the greater it would inevitably cause. But it is *not* true that emancipation is contrary to the sense of the Protestants. They have the example of all their statesmen, from Pitt down to Canning, who, disagreeing upon every other question of domestic policy, agreed upon that. No doubt Lord Eldon, Lord Liverpool, and Mr. Peel, are not of the number. But the first, declining into the retirement of respectable and venerable years, has been too much occupied in studying the laws as they stand, to turn his contemplation to the laws as they *ought* to stand. He is content with things as he found them, and is an unalterable enemy to innovation—whether it be in the courts or the commons. Of the second, even calumny cannot sully his name; dignified and full of integrity, he is alike an ornament and a pillar to the state: if, by the fatuity of early propossessions, or hasty pledges, or cautious procrastination, he stops the career of liberal policy midway between acknowledgment and concession, the Catholics may lament, but must not malign his inflexibility. The third is an useful minister, but it is to be regretted that when he began to reform the criminal laws, he left the most criminal untouched. All that the parliamentary opponents of the measure urge, is the danger that *might* follow. The danger, however, is *speculative*—the evil

it would remedy *positive;* on the one hand there is a *real existing* evil—on the other a *remote,* and very *questionable* danger. Can statesmen hesitate between *actual* and *possible* diseases?

That great, extensive, and increasing evils exist in Ireland, is admitted on all hands. Under what system have those evils grown up? Under the present system. Would it not be wise, then, even as a speculation, to try what effect an alteration in that system would produce? Ireland is worth the trial, if it was only to convert her into a granary, or a store for troops. Should the experiment fail, you have but to return to the old mode, and perpetuate her grievances. The Protestant religion—Protestant institutions—Protestant property—all, all, are, more or less, affected by Catholic disabilities. It is not because some Protestants are unwilling to admit the fact, or ignorant enough not to perceive it, that such is not the case. Judge from facts, not prejudices.

And these radical grievances necessarily generate others. The Catholics are placed in such circumstances of sympathy on account of their religious opinions, that Protestants are forced to educate their children in religious prejudices, lest the integrity of their belief might be sacrificed to their indignant sense of injustice. These prejudices, imbibed with their earliest associations, grow into a fixed passion; and the fever of religious infatuation is too often made the pretext for rejecting the cup of political generosity. The warfare of religious opinions—expanding its entrenchments into the bosom of social life—its resources, universal principles, not local, and equally applicable to all times and all people—when once interwoven with the laws and institutions of a country, becomes a permanent and transmitted source of national inquietude and disorder: our children's children inherit and foment the controversies of their fathers:

the same motives incite, the same end urges: and until the legislature cease to give a currency to domestic division, by making religious, a cause of political distinction, these heart-burnings, strifes, and hatreds will continue. Feuds arising out of causes purely political are not of an hereditary character. Religious feuds, authenticated by law, are. York and Lancaster are forgotten; the red and white roses sleep in oblivion;—but the cause of the early Vaudois is still the excuse for human extirmination in Piemont and the Cottian Alps*.

Let it not be said, as it is of the slaves in the colonies, that the Catholics are not "prepared for liberty." I confess the argument of a nation not being prepared for liberty always appeared to me a subterfuge for witholding it. If the meaning of the phrase, "prepared for liberty," be the existence of those dispositions which liberty inspires—I ask, how can a people acquire in a state of servitude that which can alone be produced in a state of freedom? Can those who are oppressed by institutions feel the same respect for them as those whom those institutions protect? Does the lash inspire the same gratitude as a privilege? Distrust, the same attachment as confidence? But the objection is an apology, not an argument; and has no parallel save the puling assertion of the Quarterly Review, that the "moment" when concessions might be granted with safety is "not yet arrived!" The "moment?"—pshaw!—the moment when the Quarterly would grant concessions will never arrive†.

* When the British minister remonstrated with the king of Sardinia for his persecution of the Protestants within his realm, the reply was—"When you cease to persecute the Catholics of Ireland, you may appear as the advocate of the Protestants whom you accuse me of persecuting."

† The following is extracted from a letter written by an English gentleman to Dr. Philip, detailing the principal colonial missions in South Africa: "The circum-

Catholic associations, Catholic violence, the demagogues, the orators, the agitators, &c. are all used as arguments against removing the disqualifications. It is said that the Catholics agitate the country, alarm the Protestant mind, and excite religious bickerings among the people. Granted. And does not all this afford additional reasons in favor of emancipation? *Why* do they agitate the country? *Why* have they their demagogues, and their associations, and their agitators? *Because they are excluded from the constitution.* Do you not plainly see that the malady with which the penal code has afflicted the country, is meanly used as an argument against its repeal? If those who condemn violence be sincere, they must also condemn the system that provokes it: let them, therefore, in proof of their consistency, remove the *cause,* since they admit the evil of the *effect.*

Mr. Wilmot Horton will permit the author of these observations to remark, that when he admitted himself to be an enemy, on principle, to unequal laws, it must have been obvious to him, that unequal laws were productive of disquietude and division; and that resistance was the natural consequence of injustice. It is to be lamented, therefore,

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"stances of the country, and the peculiar civil restrictions under which the Hottentots "still labor, present obstacles to their improvement, which the missionaries have not "the power of removing; but when they are placed on equality as to civil rights "with every other class of British subjects around them, when their character is bet-"ter understood by those who wish for their services, and they have the power of "becoming individual proprietors of the lands which they now cultivate in common "by sufferance only, they will possess inducements to industry and intellectual exer-"tion which they do not now enjoy, and, I am persuaded, will shew themselves well "worthy of all the privileges of freemen, and rapidly evince their capacity for the "performance of every necessary duty, whether as servants, masters, or citizens of a "civilized state." *Transactions of the Missionary Society,* No. 38. If civil disqualifications present such obstacles to the promulgation of Christianity amongst the Hottentots, how can the Bible Society hope to circulate the Scriptures amongst the Irish Catholics? And if the Hottentots are eligible to freedom, why not the Catholics?

that that gentleman should have withdrawn his co-operation from a measure of so much importance: the more so, since his secession arises from his having seen the evils of the system, without finding in them an apology for its *fruits*.

If you, the Protestants of the empire, apprehend that making Catholics eligible to power, would make them powerful, and finally lead to the subversion of your institutions—there is no security you can propose would render such eligibility safe, because any security you devise can be repealed or evaded. The penal code—the football of the revolution*—the monstrous game of iniquity at which the whigs and tories played in the ferocious delirium of their contest—originally passed as a security, is now repealed in its most obnoxious parts. Besides,—if there be danger in eligibility, you should not upon any terms grant it; for eligibility itself, while it would create securities, would also give the power by which those securities might be repealed. Of what nature, too, would the securities be? Do you require the domestic nomination of the Catholic hierarchy?† The Catholics will acquiesce in your wishes, because such

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* See Burnett's History of his own Times, and Burke's speech to the sheriffs of Bristol.

† Those who oppose the Catholic claims from mere prejudice, do not know, and I believe are not anxious to know the extent to which the Roman Catholics have gone in meeting the reasonable apprehensions of their Protestant fellow-countrymen. I have now lying before me a pamphlet, entitled "Correspondence between Daniel "O'Connell, Esq. barrister at law, and the Rev. Dr. Blake, P.P. of the parish of "St. Michael and St. John, Dublin, on the subject of ecclesiastical securities proposed "to be connected with the repeal of the laws which aggrieve the Catholics of Ireland." This pamphlet was printed by R. Coyne, 1822, and is in fact the skeleton of a plan proposed to be submitted to government, to secure to the state the domestic nomination of the Roman Catholic bishops. It is very concise and simple, and seems to have met approbation from Mr. Plunkett, whose opinion, objecting to some of the details, is embodied in the pamphlet. Without offering an observation on the plan itself, I cite the fact to prove that there exists a disposition on the part of the Roman Catholics to yield rational concessions to Protestant apprehension.

nomination would not limit their prerogatives: and if it would not limit *them*, it would not secure *you*. Do you demand that the laity should enter a solemn protest against papal interference? If you do, you demand what is utterly fruitless: the people cannot legislate for the Church—the Church must legislate for the people. Any protest they could enter must in its nature be conditional, since it would only bind until they were commanded to violate it. Do you demand a disclaimer on the part of the Catholics of the diabolical tenets which have been attributed to them by their accusers? If they believe those tenets, they are capable of swearing they do not; and if they swear they do not, you will not believe them. The conclusion is, that you have but one real security upon which you can rely—it is, to make it the *interest* of the Catholics to protect and preserve Protestant institutions. *Emancipation is its own security.* Fictitious and jealous safeguards accompanying emancipation, would leave the desire for complete disenthralment as vivid as before, while they would lend it additional facilities for exertion.

Is it feared that emancipation would produce a Catholic parliament? We can never have a Catholic parliament, until we *ought* to have one—until the people become Catholic: when they do, the parliament ought to be Catholic also. If they cannot convert the people, they will find it difficult to subvert the constitution. In North America the Roman Catholics bear about an equal proportion to the several states, as they do in these realms to the empire. Yet although they are not excluded from office, or from honors, by tests, penalties, or insults, their eligibility has not produced a single evil to the government, or disturbed the real ascendancy of Protestant sentiment.

But, it is alledged, that if Catholics require equal rights, they should give equal security; that while in all civil mat-

ters they might offer equal security, in religious matters they would not. Suppose we pursue this theory to its consequences, does it not charge the British constitution with an imperfectness which its admirers will deny? Does it not charge it with demanding tests inconsistent with freedom, and does it not charge it with duplicity, despotism, and injustice? Because, if the British constitution will not grant equal rights without equal securities—should the British constitution levy equal burthens without bestowing equal protection? I have, however, only used this argument as a supposition; because I assert that the Roman Catholics are prepared to give as much security as the spirit and the practice of the British constitution require. They will give the same security that is now given by the Episcopalians of Scotland, who are in the enjoyment of all the privileges which the Catholics seek.

Emancipation is said to be dangerous, also, from the circumstance of the Catholics holding intercourse with a foreign church. If that intercourse be dangerous, it is *more* dangerous *now* than it would be *then*: but if it be in reality dangerous, why do not those who say so, convince us that they think so, and pass an act that would protect us from its consequences by making it treason?

Do you fear that, as it is the nature of the Roman Catholic religion, to promote by every tangible means, the temporalities of the Roman Catholic Church, you will endanger the Protestant religion in these realms by advancing Roman Catholics to power? If you do, you have overlooked the real evil, and substituted for the disease what you ought to use as the remedy. Martyrs make proselytes —persecution makes both. The Catholics, whether justly or unjustly it is not necessary to discuss, say they are persecuted; it has become a point of honor amongst Catholics to *feel* they are persecuted. Many who have secretly re-

nounced half the errors of their religion, still cling to it with desperate devotion on account of its political martyrdom—aye, and love its very errors the more for the sake of what they have suffered for them. With the majority of Catholics their religion is their party. Pride and honor will not permit a Catholic to avow his conviction of the errors of his religion, so long as it is associated with disabilities; because such avowal would be a justification of exclusion:—but remove the stigma of conversion—take from theological freedom, the crime of political apostacy—and you will find little left to excite legislative penalties. And do you not think this romantic fidelity—this universal cohesion—this identity of zeal, and similarity of remonstrance, must produce some effect amongst the weak, uninstructed, and isolated portion of the Irish Protestants? Undoubtedly they must. In a Catholic village, where one or two Protestant families at most are resident, intimacy, cemented by early and long-tried friendships, must necessarily spring from the accident of situation. Connections by intermarriage, and property, and local relations follow. These people argue generals from particulars; and, because they are attached by habit and necessity to the individuals, they accuse the policy that oppresses the Catholics as a people. The want of religious intercourse—loneliness—the gradual decay of Protestant, and increase of Catholic attachments—insensibly diminish the number of Protestants, while they augment the ranks of the Catholics. Besides, the number of Catholics that will be found even in the remotest districts, impart a strength and constancy to their religious zeal that, independently of political sympathy, cannot exist amongst insulated Protestants. In fact, persecution increases its object in proportion to its severity*. The boiling lava,

* The instances of Carlisle, Taylor, and their followers, save me the trouble of citing elementary authority, to shew that neglect is better than persecution.

while it is hot and agitated, rushes over the plains, and swells as its torrent proceeds:—but when the volcano by which it was caused has ceased, you will find it buried in its channels, cold and deprived of power. Reverse the case: make Catholics eligible to offices of trust and station, and you at once deprive them of the rewards with which popular opinion recompences a partriotism upon which the legislature has placed rigors and penalties.

In Ireland the party who oppose emancipation do so on a *principle* that has a weighty *interest* attached to it: but their mode of opposition is more contemptible than their motives. They assert that the Catholics exclude themselves by not taking the test oaths. These friends to the constitution would make the Catholics *unworthy*, before they would make them *eligible*; and force them to become *apostates*, before they would permit them to become *freemen*. These partizans—I allude exclusively to the orangemen—make loyalty an engine of sedition, and religion a pretence for persecution. They would revive all the bigotry of Popery under the excuse of suppressing it: they would indulge us with an annual *auto-da fé*, and for the sake of church and state, destroy the confidence of the people in both. A sincere Protestant writes sentences like these with deep humiliation. He acknowledges with unavailing regret how often the page of history has been polluted by the crimes committed in the name of his religion; and, in separating the acts of those who abuse, from the principles of those who revere, its sacred obligations, he but seeks to remove the stain that hypocrisy, infidelity, and guilt had flung upon it.

The orangemen of Ireland differ widely in origin, constitution, and object from the orangemen of England—as I may take an opportunity of shewing at a future moment. In England they are governed by public opinion—in Ireland

they outrage all opinion: in England, whatever their violations of common sense may be, they never violate common decency—in Ireland they do: in England, orangeism is a theory—in Ireland, a code of practice that guides the bench, pervades the guard-room, fixes the destinies, and writes the epitaphs of men: in England it is useless—in Ireland dangerous: in England distinction—in Ireland dissention: a mark of principle, and a badge of insult. We have seen it in Ireland reeling in authority too great for the laws, until the very excess of its debauchery produced decrepitude and imbecility. Its protection a scourge—its amity drunken attachments—its loyalty a bargain: one year instigating rebellion, the next visiting it with decimation: the demon of the midnight torch, and the burning cabin, the dungeon and the gibbet:—its friendship conventional—its allegiance conditional—and the whole train of its progress treachery and desolation. These are the men—this is the party, who would exclude the Catholics from a participation in the constitution—and exclude them, too, for the sake of the constitution! This hollow pretext is but adding insult to injury: for it is an aggravation of injustice to commit it under the name of justice. But that faction now stands like a culprit before the nation;—its loyalty is no longer to ebb and flow, like Pactolus, over sands of gold;—it will be tried by a merciful test—not its past enormities, but its future merits. The administration of the Marquis Wellesley has silenced, if not crushed it; but Mr. Peel has declared that if any man in office (and that is treading on the necks of the hydra at once) should hereafter belong to that society, he should, if the case were proved, be instantly dismissed; and Mr. Plunkett has pledged himself to indict any man against whom similar proof would be adduced. These declarations, therefore, have reduced that body to a maci-

lent apparition—and in the same proportion restored a degree of confidence and tranquillity to the country.

Protestants of the empire, you mistake the solidity of your own possessions when you associate them with persecution—you forget that the more zealous you are to support protestantism, the more vigilant you should be to maintain toleration—and that he who hates another for not being a Protestant, is not a Protestant himself. Six hundred years before our era, Confucius, a legislator in the extremity of the east, taught, amongst other doctrines of legislation, this simple precept—"Rule a state as "you rule a family." Shall Christianity blush before a Pagan? Shall we, advanced into the nineteenth century, with the accumulated wisdom of history and experience, transmit to our posterity the barbarous example of a blind and left-legged policy? Shall we leave to them to do as a *necessity*, what we refuse to do as a *grace?* Shall we consign them to the tender mercies of a two centuries' revenge? Your fears of Catholic supremacy are groundless while the people of England are Protestant. What is the strength of your religion but the universal assent of the nation—public opinion? Can that opinion—the spirit of your institutions, the foundation of your rights, the pervading life of all your power at home, the cement of all your splendid connections abroad—can it be sapped, or taken by surprise, or overcome by Catholic intrigues or influence? utterly impossible. The press—the people—the parliament will protect all that is Protestant. The advocates of emancipation do not press that measure *because* the excluded are Catholics, but in *spite* of their being Catholics. Their being Catholics is but an accident—if they were excluded for any other cause, or under any other name, the same principle of toleration would induce the same men to undertake their defence. But, disenthralled, and elevated to

the senate, the case would be changed: there would no longer be sympathy for their sufferings, nor anxiety for their advancement: equality would produce indifference, and the Catholic in Parliament would have all the embarrassments of responsibility, without the consolations of party. In that assembly he would be a cypher, for England and Scotland would still be Protestant—granting even that Ireland's hundred members were, what they never could be, all Romanists. No—the establishment has nothing to dread from Catholics; but, for the truth must be told, she has from sectaries and false philosophy. These are her enemies whom she has folded in her vest, and hugs to her bosom. Do not the Independents revile episcopacy? —the Presbyterians moot all her points of discipline?—and the Dissenters, in aggregate, attack her revenues?* Yet

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* It is not my intention to introduce into this letter the consideration of the relative circumstances of the Dissenters and the Church of England, because I think such consideration foreign to my subject, and deserving of a more enlarged notice than the limits of these pages could afford. When a writer advances an assertion that may be novel to the public, although already canvassed, and admitted in private, he hazards the imputation of a theorist because he happens to offer the first analysis of a new truth, and risks the confidence of old friends because he exposes old delusions. As I am not afraid, however, to encounter discussion, even upon this untrodden ground, so I shall give the best evidence of true courage by not, uncourteously, provoking hostility. I shall shew my weapons, not use them; with this understanding, that they shall be preserved from rust, should occasion ever draw me into the lists. There are many who know the Dissenters only through the medium of Bible Societies, and Missionary, and charitable Institutions. In a light so favorable, they present an amiable picture, and the minor distinctions of creeds and forms are lost, when their ministers are found co-operating with the clergy of the Church of England upon the more important work of charity and instruction. True it is that the Dissenters unite with the established church in the dissemination of the Scriptures:—true it is that they assist in the education of the people, and subscribe to evangelize the Jews, and enlighten the Irish:—true it is that they struggle against great difficulties in forming Christian congregations, and building houses of worship:—but it is also true that while they seek privileges for themselves they would deny them to others: that they would substitute an oligarchy of finance, for an aristocracy of discipline, and debase one form of church government only to erect another on its ruins:—and it is also true that they use the arts of conversion without seeming to

these, her secret and multitudinous enemies, she admits to full and equal privileges without apprehending or perceiving danger; and denies privileges to those who are her enemies because she makes them so.

My theme swells upon me, and I could extend my thoughts, but I will not exceed the boundaries of my design. The opinions, Rev. Sir, which these pages contain are expressed with candor—I trust with moderation. If,

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convert, and sap the foundations of a regulated community to fill their itinerant chapels with half-apostalized neophytes—creoles in religion:—and also true that their language in the closet makes an antithesis of their declamations in the pulpit, and that the affectation of public union with the professors of the established church, becomes transmitted in private into arraignment and invective against her liturgy and ceremonies:—and it is also true that they deny to her some of the characteristics of a Christian church—deride the inactivity of her ministers—envy her temporalities—and would deprive her to-day of all the advantages she possesses, under a pretext that they make her impure, and decorate themselves to-morrow in the spoils of her impurity. These are the insidious enemies of the church established, who approach her with the hand of friendship, and the professions of regard, while they are daily and hourly undermining her resources, and bringing over her people by stratagem. They are the press-gang of the congregations. They claim to be exempted from the payment of any rates or dues to the established clergy—will they assist in having the same burthen taken off the Roman Catholics, who derive even less benefit than themselves from the church? If the principle be just as applies to them, it must be more just as it applies to the Romanists. No. Their sense of right does not extend beyond their own communion. I subjoin an extract from a newspaper published in their name, and sustained by their patronage, not to prove my statements to be true, but to exhibit the tone in which the pretensions of the Dissenters are put forward. On the 8th of May, 1828, the Marquis of Lansdowne presented a petition from the Protestant Dissenters, praying to be relieved from the operations of the Marriage Act—on the subject-matter of which petition the newspaper to which I allude, observed as follows:

"Perfect liberality—or, to express it more correctly, even-handed justice to the "Dissenter, would seem to demand that his marriage should be allowed to be per- "formed without the payment of any fee to the established church. One would natu- "rally suppose that having the tithes, which are the portion of the clergyman, and "without reference to their performance of any secular duty, the clergyman ought, "*in as far as the Dissenters are concerned*, to rest satisfied: and that he would feel "at the receiving of a fee on a Dissenter's marriage, some of that compunction "which a man of tender conscience (and all clergymen are presumable to be of "tender conscience) feels upon receiving that *to which in equity he is not entitled*."

Although these sentiments still live—the newspaper is no more!

in the necessary task of refutation, I have used the language of severity, believe me it sprung from the unconscious warmth of advocacy, not from controversial bitterness, or angry contention. I respect your talents—I regret their application: but the spirit of disputation cannot induce me to identify the individual with the errors, or the evils, of the system he defends.

My object was to demonstrate two propositions—I trust it may appear I have succeeded. They are as follow:

FIRST. That there exists in the church of Rome an invading spirit—either implied or expressed.

SECOND. That the existence of that spirit is cherished and excited by penal laws, which ought to be abolished for the sake of Protestant security, as well as Catholic interests.

FINIS.

London:—Printed by W. Gilbert, Salters-hall Court, Cannon Street.

DR. PHILLPOTTS'S

LETTER

TO THE RIGHT HONOURABLE

GEORGE CANNING.

SECOND EDITION.

London: Printed by C. Roworth,
Bell-yard, Temple-bar.

A

LETTER

TO

THE RIGHT HONOURABLE

GEORGE CANNING,

ON

THE BILL OF 1825,

FOR

REMOVING THE DISQUALIFICATIONS OF HIS MAJESTY'S ROMAN CATHOLIC SUBJECTS,

AND ON

HIS SPEECH IN SUPPORT OF THE SAME.

BY

REV. HENRY PHILLPOTTS, D.D.

RECTOR OF STANHOPE.

SECOND EDITION.

LONDON:

JOHN MURRAY, ALBEMARLE STREET.

MDCCCXXVII.

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TO

THE RIGHT HONOURABLE

GEORGE CANNING.

SIR,

IT is with unfeigned reluctance that I thus publicly address you on the most important question which can engage the attention either of Parliament or the country. When I was first induced to enter into this discussion, my sole object was to vindicate certain doctrines of our Reformed Church from the gross misconceptions and misrepresentations to which they had been subjected: but I soon found the theological part of the argument to be so closely interwoven with the political, that it was hardly possible to keep them separate. You, Sir, appear to have experienced the same difficulty; and if a statesman, in the discussion of the political question, has found himself entangled in the mazes of polemics, it is not to be wondered, that a churchman, in treating the

same matter, has been compelled to extend his inquiries into the region of politics. This consideration alone, will, I am confident, make all apology for my present address to you unnecessary; and I will not trespass on your patience by affecting to offer any. Let me only say, that if in the free examination of opinions publicly proclaimed by you, I shall at all depart from the respect which is due to your high station, to your splendid talents, and above all, to your distinguished character, you will find it much easier to forgive me, than I shall be willing to forgive myself.

The note of hostile preparation, which has been loudly sounded by the Roman Catholics of Ireland, announces to us an early renewal of their claims to a full participation in all the powers of the state. What particular course, in the furtherance of their object, will be adopted by their advocates, and especially by yourself, it is not easy to foresee; but in the absence of other information, we may reasonably look back to the last occasion of discussing the question, to the Bill which was then passed by the House of Commons, and to the language and arguments, with which you, Sir, by far the most powerful champion of their cause, thought fit to support it. That greater securities for our

established institutions will now be offered, past experience forbids us to expect. Hitherto, every new application to Parliament has been marked by some important diminution of the securities before proposed. Like the Sibyl's fatal volumes, the price, which we are required to pay for them, continues still the same; while they themselves are so deplorably reduced, as scarcely to retain a faint semblance of what we were once told was indispensable to our safety. Still, as in the Sibyl's case, there are not wanting those, who earnestly conjure us to purchase, at any cost, even the miserable remnant, which may yet be had.

Sir, there is something so very peculiar in the history of these Securities, and it has so obvious and essential a connection with the subject of this letter, that I must request your indulgence while I trespass on you with a review of some of its most important particulars.

It is well known, that so long ago as 1799, Mr. Pitt entertained, and acted upon, the hope, that means might be devised to combine the extension of equal political rights to the Roman Catholics, with due precautions for the security of our Protestant Church and government. What was his intended plan, was never publicly announced by him; perhaps it was never com-

pletely formed. But in the last speech, which he delivered in Parliament on this subject, he thus expressed himself.

" I have never been one of those who have " held, that the term ' Emancipation' is, in the " smallest degree, applicable to the repeal of " the few remaining penal statutes, to which " the (Roman) Catholics are still liable. But, " possibly, in my view of the grounds of expe- " diency, I may think it to be much more con- " tradistinguished from the question of right, " than the honourable gentleman (Mr. Fox) " does. He seems to consider, that there is " only a shade of difference between the ex- " pediency and the right: whereas in my view " of the difference, it is broad, evident, and " fundamental. I consider right as independ- " ent of circumstances, and paramount to them, " whilst expediency is connected with circum- " stances, and, in a great measure, dependent " upon them. With regard to the admission " of (Roman) Catholics to franchises, to the " elective franchise, or to any of those posts " and offices, which have been alluded to, I " view all these points as distinctions to be " given, not for the sake of the person and the " individual who is to possess them, but for " the sake of the public, for whose benefit they

" were created, and for whose advantage they " are to be exercised. In all times, therefore, " and upon every occasion, whether relating " to the Roman Catholic or the Protestant dis- " senter, to the people of Ireland or to the " people of England, I have always, from a " due regard to the constitution, been of opi- " nion, that we are bound to consider, not " merely what is desired by a part, but what " is best and most advantageous to the whole."

Sir, I have quoted thus much, to show the principle which guided and restricted that great man in all that *he* did and said on this important subject. Would to heaven, that all who call and believe themselves his disciples, were guided by the same principle! If they were, we should not have to lament, that the language, which I shall cite hereafter, has ever issued from one of his school: much less, that you, Sir, so worthy in many respects to succeed and represent your great master, should be still found amongst the adherents of a Cause, which has formally and solemnly rejected, not only the authority, but also the principles, of Mr. Pitt.*

" My idea," he continued, " was, not to,

* " The British Catholic Association" passed a resolution to this effect in the course of last summer.

"apply tests to the religious tenets of the
"(Roman) Catholics, but tests applicable to
"what was the source and foundation of the
"evil; to render the priests, instead of making
"them the instruments of poisoning the minds
"of the people, dependent, in some sort, upon
"the government, and thus links, as it were,
"between the government and the people.
"*That would have been a wise and comprehensive*
"*system;* that would have been the system,
"which I should have felt it to be my wish,
"and thought it to have been my duty, to have
"proposed. I never thought, that it would
"have been wise or prudent, to have thrown
"down rudely or abruptly the guards and
"fences of the constitution; but I did think,
"that if the system I have alluded to had been
"deemed proper to be adopted, it ought to
"have been accompanied with those checks and
"guards,—and with every regulation that could
"have given *additional respect and influence to the*
"*established Church,* to the *support and protection*
"*of the Protestant interests,* and to the encou-
"ragement of every measure which could tend
"*to propagate, and spread the example of, the*
"*Protestant religion.*"

These, Sir, were the general views and intentions of Mr. Pitt on this subject; views and

intentions, from which to his great and (I am sorry to add) his almost *singular* honour, he was never known to swerve.

On an earlier day of the same sessions, in which Mr. Pitt thus addressed the lower House, Lord Grenville had moved that the House of Lords "should resolve itself into a committee "of the whole house, to take the petition of the "Roman Catholics of Ireland into consider-"ation." In doing this, "I ask of you," said he, "no immediate or specific grant, because I "am not prepared to say, what *other measures*, "*healing and salutary*, ought to accompany the "adoption of my motion. *Many there are*, "but this is not the fit occasion for stating "them."

But, at a subsequent period, May 27, 1808, that noble Lord, having declared that "the "removal of every remaining civil disability, "on account of religious belief, must be a part "only of a large and comprehensive system," proceeded thus,—"It was so considered by "that great statesman, now no more, of whom "I never think but with the warmest affection, "respect, and admiration. Our opinions on "this subject were not only in complete unison, "but I may truly say they were formed toge-"ther by mutual communication and unre-

" served confidence. The plans, which were " then in contemplation, included, in the first " place, measures of considerable benefit to the " established Church; calculated to promote " both its honour and its advantages, and to " render it far more adequate, than it now can " be, to the purposes for which it was pro- " vided. A short statement will convince your " Lordships, what ample occasion this matter " alone affords for the exercise of your wisdom " and liberality.—It appears that 2,400 pa- " rishes in Ireland are now consolidated into " little more than 1,100 benefices; of which " reduced number more than a tenth part are " absolutely without churches, and not 400 " have glebe houses. Surely your Lordships " must see, in such a state of things, better " means of assisting the established Church, " more satisfactory measures to be taken for " the encouragement of the Protestant religion, " than by any laws of exclusion or intole- " rance.

" Nor had the situation of the dissenters, by " far the most numerous Protestants in that " country, been overlooked. Measures were " in contemplation for increasing the provision, " which the wisdom of government had long " since granted to their ministers.

"The state of the (Roman) Catholic Church in "Ireland, administering to the spiritual wants "of four millions of your people, had also been "an object of deliberate consideration. Much "has been said of the influence of their bishops, "and great stress has been laid on the dangers "of a (Roman) Catholic hierarchy. If you "tolerate the Roman Catholic Church, which "is episcopal, you must of course allow it to "have its bishops. But, *it is unquestionably* "*proper that the Crown should exercise an effec-* "*tual negative* over the appointment of the per- "sons called to execute those functions. *To* "*this the* (Roman) *Catholics of Ireland declare* "*themselves perfectly ready to accede.* Their de- "claration on this subject is an unquestionable "proof of *their solicitude to meet the kindness of* "*their fellow-subjects, and to accede to any practi-* "*cable means of removing even the most groundless* "*jealousies.* As such, I rejoice that it has been "made, and *I see with infinite satisfaction the* "*just impression which it has universally pro-* "*duced.* To me it is not new. *I always felt* "*the propriety of providing for this point.* It "formed a part of the plans to be brought for- "ward at the period of the Union; and what "we then knew of the sentiments of the "(Roman) Catholics respecting it, left no

" doubt upon our minds, that the matter might " be easily and satisfactorily adjusted. Pro- " vision was also intended to be made, for the " decent and necessary subsistence of the " (Roman) Catholic clergy of that country. " The propriety of this step rests on grounds " of policy and reason, which will not be " questioned. On this point, I believe, all are " agreed. I mention it only as one of the many " measures, which call for inquiry and adoption.

" Many of the most plausible arguments " against the petitions of the (Roman) Catho- " lics, are drawn from the objections to the " Oath of Supremacy. We are often told, that " (Roman Catholics refuse to acknowledge the " same obedience to their sovereign, which he " receives from all his other subjects. The " charge is wholly groundless. They recog- " nize, as you do, in the civil government of " their country, all temporal power and autho- " rity. *If more security be necessary, let it be* " *exacted.* It was intended, at the period to " which I have so often referred, to submit to " parliament, in lieu of the Oath of Supremacy, " framed, as we all know, for the purpose of " exclusion, a new form of oath, calculated to " unite, not to divide the people. That oath " would have contained *an explicit pledge of*

"*support to the established constitution, and the* "*most express disclaimer that could be devised of* "*any interference with his majesty's legitimate* "*and undoubted authority.* Whatever words "may be most effectual for this purpose, let "them be adopted; *provide the fullest security* "*that jealousy itself can dictate, for that which we* "*are all equally anxious to defend:* and let it then "be seen, whether the (Roman) Catholics of "Ireland are reluctant to concur in that de-"claration.

"There is yet another subject,—I mean the "matter of Tithes. It was carefully considered "at the period of the Union, and was intended "then to be brought forward, &c.

"I have thus enumerated, however imper-"fectly, the various measures with which the "great statesman, of whom I have spoken, "always meant to accompany the proposal of "the repeal of every civil disqualification, "which still attaches upon religious belief. "Great and important safeguards they were, "in my judgment, for the civil and ecclesiasti-"cal constitution of the realm, &c. *I know of* "*no other means adequate to such purposes.*"

Thus, Sir, was Mr. Pitt's scheme of securities announced to the world by that nobleman, who, above all others, had enjoyed his confi-

dence, and participated in his labours. It was commended to the favour of the country at large, by being accompanied by the authoritative offer, as it was at the time understood, on the part of the Roman Catholic bishops, of granting to the crown that *effectual negative* in the appointment of their future brethren, which formed one of its most important particulars. I need not remind you, Sir, that a very strong sensation in favour of the Roman Catholics was almost universally excited by such an indication of their supposed spirit of conciliation and good-will:—as little is it necessary that I should state, how short-lived was this feeling, how just, and strong, and durable, a reaction was created in the minds of almost every Protestant, when it was found not only that the Irish Roman Catholic Hierachy disclaimed the declaration of their agent, but also that he himself, a vicar apostolic, the most distinguished divine, nay, the most prominent individual of his communion in England, not only retracted all that he had himself said or written in favour of the measure, but also declared before the world, that "he would rather lose the last drop "of his blood, than be instrumental to a Non-"Catholic king obtaining *any power or influence* "over any part of his church."

Such a practical specimen of the mode of "keeping faith with Heretics," even in these days, seems, among its other effects, to have decided the tone and spirit of Lord Grenville's celebrated letter to Lord Fingal, Jan. 22, 1810. In it he thought it necessary to remind his lordship, that "with the extension of civil "rights to Roman Catholics must be combined; "*if tranquillity and union be the object, other ex-* "*tensive and complicated arrangements;* that all "due provision must be made for *the inviolable* "*maintenance of the religious and civil establish-* "*ments* of this United Kingdom; that a rea- "diness to accede to such arrangements would "be the surest indication of those dispositions, "on the part of the Roman Catholics, *without* "*which all concession must be nugatory, and all* "*conciliation hopeless.*"

The same cause, avowedly influenced your own language, when, on May 25, 1810, you, for the first time, thought fit to declare your sentiments on the general question in the House of Commons. "No security, or engagement," you complain, "is offered on the part of the "(Roman) Catholics. Their very advocates "are obliged to come forward with censure "against them, for withdrawing that security, "which, on a former occasion, was proposed to

" Parliament in their name. The right honour-
" able gentleman, (Mr. Grattan,) who brought
" forward the motion, has indeed thought it
" expedient now to undervalue that former
" proposed security—for my own part, *I think*
" *that nothing less than the Veto should be accepted*
" *by the government. That some such condition is*
" *absolutely necessary, no man will doubt*, who
" thinks, as I do, that of any adjustment be-
" tween the (Roman) Catholics and Protes-
" tants; *mutual concession and mutual conciliation*
" must be the basis; that such an adjustment,
" in order to *produce any of the fruits of tran-*
" *quillity, happiness, and prosperity, which are*
" *expected from it*, must not be a victory to one
" party or the other:—must not be considered
" by one side as a successful struggle, nor as a
" forced concession to a rival by the other."

Similar language was, at that time, held by every sober and enlightened advocate of the same cause. The English Roman Catholics themselves, in their petition to Parliament in 1810, distinctly declared, that "any arrange-
" ments for the maintenance of the civil and
" religious establishments of this kingdom,
" founded on the basis of mutual satisfaction
" and security, and extending to them the full
" enjoyment of the civil constitution of their

" country, would meet with their grateful con-
" currence:" and the distinguished nobleman, whom they selected to present this petition to the House of Lords, was pleased, in presenting it, (Feb. 22, 1810,) to give for himself, the following important pledge: "That it was only " on the principle of *mutual satisfaction and se-* " *curity, as stated in the petition,* that the measure would have his support." "I beg your " Lordships," said he, in a speech, printed and circulated by the Roman Catholics, and stated to have been revised by himself, "I beg your " Lordships to be assured, that *I never shall* " *urge you to grant the relief which is required,* " *without having a due regard to your own secu-* " *rities;* that I shall never urge you to take up " this subject, but on a comprehensive and ge- " neral view of *all the interests* connected with " it. I am sensible, that in looking at the " claims of the (Roman) Catholics, *we ought* " *also to look at those securities which may be de-* " *manded for our own religious establishments;* " that we ought to strengthen and confirm, and " consolidate them."

The same noble Earl, on the 6th of June following, speaking in his place in Parliament, of Lord Grenville's Letter to the Earl of Fingal, avowed that "he had been consulted upon it,

"and he had no hesitation in saying, that there "was not a word, there was not a sentiment, "there was not a principle contained in it, "which had not his unqualified concurrence." He even complained of the *unfairness* of ascribing to the friends of the (Roman) Catholics, a wish to grant to them all that they asked, without requiring such a modification, as might be deemed necessary for the safety of the established religion; this modification had been looked upon as the best, which gave to the crown "*a negative power to controul the appoint-*"*ment of the Roman Catholic Bishops.*" He went further; he gave to the same principle the authority of his late illustrious friend. "Mr. "Fox," said he, "was uniformly a warm friend "to the (Roman) Catholic claims; but always "*on the principle of the grant of all those condi-*"*tions*, on the part of the Roman Catholics, "which might be deemed necessary to the "safety of the constitution."

This, Sir, was the epoch of the most secure and honoured state of our Protestant establishments, since the time when they were first assailed by the claims of the Roman Catholics. No statesman, on either side of either House of Parliament, ventured then to recommend the unqualified concession of those claims; or

the concession of them at all, without requiring real, effectual, and adequate securities. But from this our high and palmy state, the hopes of the Protestants were soon doomed rapidly to decline. The advocates of concession, though still loud and ardent in their professions of a wish for mutual satisfaction and security, began to adopt a looser phraseology; instead of precise pledges, we now had from most of them, only vague unmeaning generalities; even the tone of just indignation against the treachery or waywardness of the Irish Roman Catholics themselves, began to give way before "candid allowances;" and we soon heard little else but lamentations over "the disappointment of a nation's hopes," with very small consideration of the causes to which that disappointment was mainly to be ascribed. In short, they were, but too apparently, preparing to slide into a totally different line of sentiment and conduct. Still, the beginning of this most inauspicious change was not wholly unaccompanied by cheering and consolatory circumstances. In particular, Sir, we were gratified by hearing from yourself, the following wise and dignified counsel addressed to the House of Commons, on the 24th of April, 1812. "Whenever the

"legislature shall make up their minds to entertain the question of Catholic concession "seriously, it will be for them to couple the "boon with such restrictions and qualifications, "and to accompany it with such provisions, as "they think necessary for our own security. "Enact what you think right: and then leave "to the Catholics to accept or refuse what they "offer on the conditions which you annex to it. "If they accept, (*which they will,*) the work is "done. If otherwise, you have the consolation "to reflect that you have done your duty by "them. Whatever may be the result, you will "have nothing to reproach to yourselves. Go "as far as you can with safety to the establishments. Do not exact from them terms that "are unnecessary; but *be rigorous in imposing "such conditions as shall free you from all real, "I had almost said, all imaginary danger.*"

In the following year, an opportunity was afforded to you, of embodying the various provisions, by which this great object was to be obtained.

Let us see what these provisions were. Mr. Grattan, it will be remembered, had introduced a Bill into Parliament, to remove the several "Disqualifications under which his Majesty's

"Roman Catholic Subjects now labour," with certain provisoes; of which the following is, I trust, a correct statement.

1st. It gives the power of sitting in Parliament, and of holding all civil and military offices, (except two, viz. that of Lord Chancellor, &c. of Great Britain, or of Lord Lieutenant, &c. of Ireland,) and of being admitted into, and holding office in, all Lay Corporations, except the Universities, and colleges and schools of royal or ecclesiastical foundation, on the taking of an oath, compounded of and including *all the material clauses* of the oaths now prescribed to be taken by Roman Catholics, by the English Act of 1791, or the Irish Act of 1793, with this important addition—"And I do solemnly swear, "that I will not use any privilege, power, or "influence, which I do now, or may hereafter, "possess, *to overthrow or disturb the present* "*Church Establishments of the United Kingdom;* "and that I never will, by any conspiracy, con- "trivance, or device whatsoever, abet others "in any attempt to overthrow or disturb the "same; and that I will make known to his "Majesty, his heirs and successors, all at- "tempts, plots, or conspiracies, whether at "home or abroad, which shall come to my

" knowledge, for effecting either of these pur-
" poses."*

There is also an exception of all ecclesiastical benefices or offices; of the power of presenting to the same, and even of advising the Crown in the presentation thereto, under the penalty of being disabled from holding any office under the Crown.

2d. It proposes to enact, that every Roman Catholic Clergyman shall take the following oath:—" I, A. B. do swear, that I will never
" concur in, or consent to, the appointment or
" consecration of any Roman Catholic Bishop,
" or Vicar Apostolic, in the United Kingdom,
" but such as I shall conscientiously deem to
" be of unimpeachable loyalty and peaceable
" conduct: and I do swear, that I have not and
" will not have any correspondence or commu-
" nication with the Pope, or See of Rome,
" or with any court or tribunal established, or
" to be established, by the Pope or See of Rome,
" or by the authority of the same, or with any
" person, or persons, authorized or pretending

* This was in lieu of the clause of the Irish oath of 1793, " I will not exercise any privilege, to which I am, or may be-
" come, entitled, to disturb and weaken the Protestant Religion
" and Protestant Government in this kingdom."

"to be authorized by the Pope or See of Rome, "tending directly or indirectly to overthrow or "disturb the Protestant Government, or the "Protestant Church of Great Britain and Ire-"land, or the Church of Scotland, as by law "established; and that I will not correspond "or communicate with the Pope or See of "Rome, &c. on any matter or thing not purely "spiritual or ecclesiastical."

3d. There are provisions under heavy penalties, against any person born out of the United Kingdom, except of British Parents, or any Roman Catholic, who has not been resident five years within the said kingdom, exercising episcopal functions within the same.

To these certainly not unimportant provisions of Mr. Grattan, the following (modified in part, after communication with Lord Castlereagh) were added by yourself.

"In order to ascertain the loyalty and peace-"able conduct of Roman Catholic Priests, "elected or appointed to the exercise of epis-"copal functions, or to the functions of a dean, "within the United Kingdom; and in order "that his Majesty may be fully informed of "the nature and extent of any intercourse "between his subjects and a foreign power," two commissions were to be issued, one for

Great Britain, and the other for Ireland; the former to consist "of such Roman Catholics "exercising episcopal functions within Great "Britain, and such Lay Peers professing the "Roman Catholic Religion, and such *Lay Com-* "*moners* of the same religious persuasion, (pos- "sessed of a thousand pounds a year in land, "or £20,000 in personal property,) and such "Protestant Members of the Privy Council, "(whereof *one of his Majesty's principal Secre-* "*taries of State* shall be one,) as his Majesty "shall think fit." The commission for Ireland was to be similarly constituted, except that instead of a Secretary of State, *the Secretary of the Lord Lieutenant* was to be a member; that five members were necessary to form a Board, one of whom was always to be the Secretary of State in Great Britain, (the Secretary to the Lord Lieutenant in Ireland,) or some other member of the Privy Council, being a Protestant: that one other member of the Board be an ecclesiastical Roman Catholic Commissioner; and one other a lay Roman Catholic commissioner. The president of the commission in Great Britain, to be the Secretary of State; in Ireland, the Secretary of the Lord Lieutenant, or, in the absence of either, the senior commissioner.

"I.—That from the passing of this Act, no "Roman Catholic (not at present exercising "episcopal functions) shall assume the exercise "of such functions, or the functions of a dean, "whose name shall not have been previously "notified to the President of the Board of "Commissioners, nor *until he shall have received "the notification of his Majesty's approbation*, or "that of the Lord Lieutenant of Ireland. That "the President of the Board, as soon as the "names shall have been notified to him, shall "forthwith lay the same before the same Board, "and that they shall, within six weeks, report "to his Majesty, or the Lord Lieutenant of "Ireland, their opinion of the loyalty and "peaceable conduct of the said persons: upon "which report the royal approbation or dis-"approbation shall be signified by instruments "expressly setting forth, that the same is given "upon the report, and with the advice of the "commissioners. Persons presuming to exer-"cise episcopal functions, or those of dean, "without such approbation so signified, to be "adjudged guilty of a misdemeanor, and *liable "to be sent out of the kingdom*."

"II.—That persons receiving any Bulls, &c. "from the See of Rome, &c., shall send the "same to the President of the Board of Com-

"missioners, who shall lay it before the Board.
"The Board to inspect, and report to his
"Majesty,—if innocent, the said Bull to be
"returned to the party, with an indorsement
"signed by the Secretary of State (or Secre-
"tary to the Lord Lieutenant). Provided, that
"if the instrument relate wholly and exclu-
"sively to spiritual matters, and such as the
"person shall conscientiously think that he
"cannot submit it to lay-inspection, then he
"shall make oath to that effect; and in such
"case the commissioners may allow the instru-
"ment to be sent sealed to be inspected by the
"senior ecclesiastical commissioner only; and,
"on his report, the said instrument to be re-
"turned indorsed by him only. Persons not
"conforming to these regulations, in lieu of all
"penalties by existing laws, to be deemed
"guilty of a misdemeanor, and liable to be
"sent out of the kingdom."

Such was your scheme of Securities in 1813, drawn up (as was understood, and said, at the time) with the advice and co-operation of no less distinguished a Roman Catholic, than MR. CHARLES BUTLER,* of Lincoln's Inn! and no

* Mr. Butler denies having concerted any clauses with Lord Castlereagh; not so with Mr. Canning, as charged by Dr. Milner. He admits that after a consultation between Mr.

candid person can, I think, examine this production of your political sagacity, aided by his knowledge of the necessary discipline of his Church, without admitting, that it contained much to recommend it to adoption. In submitting it to the consideration of Parliament, you spoke of it with just confidence and honest exultation. You boasted, that you had at length "arranged effectual securities, not only "for Protestant, but also for Catholic free-"dom."

The measure, thus amply estimated by yourself, received the amplest commendations of all the supporters in Parliament of the Roman Catholic cause, especially of Mr. Grattan and Mr. Plunket. The former declared (May 24th, 1813) that "he thought the clauses, containing "the Securities for the Protestant Establish-"ment, PERFECTLY NECESSARY for the Bill, and "should vote for them as one and the same. "Notwithstanding the opposition of the Ca-"tholic clergy to those clauses, (which had

Canning, Lord Castlereagh, &c. at Mr. Ponsonby's house, the draft of the clauses (as then corrected) was sent to him, to procure a fair transcription of them. This was made.—But he does not even intimate, that he showed the slightest disapprobation of the measure, of which he thus became an instrument. See Hist. Mem. iv. 253.

" began to show itself on these points,) he must " say, that in doing so they were enemies to " themselves, and to the Catholic community, " and they must take upon themselves the con- " sequences." And Mr. Plunket, who was, I believe, for a time, intrusted by the Irish Roman Catholics with the guardianship of their interests in the lower House, after saying that " he had paid the greatest attention " to the clauses just proposed by the Right " Honourable Gentleman (yourself), and he " was happy to say, that the entire of the " clauses as they now stood had his most " cordial approbation. He was rejoiced to see, " that the Right Honourable Gentleman had " succeeded so well in the accomplishment of " the two great objects of the measure, security " to the principles and establishments of the " Protestant, and also to the free exercise of " the opinion of the Catholic, at the same time " that he was admitted to participate in the " benefits of the constitution. It was his opi- " nion, that those objects had been most clearly " and satisfactorily accomplished by the Bill in " its present state,—that such securities had " been proposed as ought to satisfy even the " most jealous of the Protestants, as well as " the most inimical amongst the Catholics."

After testimonies so flattering, with what feelings of self-gratulation must the author of this applauded measure have contemplated its glad and grateful acceptance by those for whose benefit it was designed! But to do full justice to your feelings, and at the same time, to show the accuracy of your judgment respecting the feelings of the Irish Roman Catholics, I will beg leave to avail myself of your own beautiful, however appropriate language.

"To pause now—to retrograde now—to de-
" scend from the pinnacle on which we are now
" placed, and *which commands a view of the*
" *affection, the harmony, and the gratitude of our*
" *Roman Catholic fellow-subjects*, would be to
" lose all the ground that we have gained.
" That ground once lost will not be easily re-
" covered. 'There is a tide in the affairs of
" 'men,' on the height of which *we are now*
" *riding towards the accomplishment of our object.*
" The hands of Protestant and Catholic *are*
' *outstretched to meet each other, and nearly*
" *touching*."

" So having said, awhile he stood, expecting
Their universal shout and high applause
To fill his ear,—when contrary he hears
On all sides, from innumerable tongues,
A dismal universal hiss, the sound
Of universal scorn."

Alas! Sir, such was the reception already given to your scheme in Ireland, at the very time when, within the walls of Parliament, you were anticipating the most triumphant result. But the history of this matter so forcibly illustrates the views and tempers of the Irish Roman Catholics, that I must beg leave to state it a little more at large.

On the 27th of May, 1813, before the fate of the Bill had been decided in the House of Commons, their Bishops held a general meeting, in which it was unanimously resolved,

"I.—That having seriously examined the "copy of a Bill now in progress through Par- "liament, we feel ourselves bound to declare, "that the ecclesiastical clauses, or *Securities* "therein contained, are *utterly incompatible* with "the discipline of the Roman Catholic, and "with the free exercise of our religion."

"II.—That without incurring the heavy "guilt of *schism*, we cannot accede to such re- "gulations; nor can we dissemble our *dismay* "*and consternation* at the consequences which "such regulations, *if inforced, must necessarily* "produce."

In February, 1814, a Rescript was addressed to Dr. Poynter, Vicar Apostolic of the London district, by Monsignor Quarantotti, (since created

a cardinal,) who was then invested with all the ecclesiastical and spiritual powers of the See of Rome, except the appointment of bishops. In this rescript, he most distinctly declared, that "having taken the advice of the most learned "prelates and divines, and having examined "the letters from Dr. Poynter and from Dr. "Troy, (Roman Catholic Archbishop of Dub-"lin,) and the matter having been maturely "discussed in a special congregation, it is "decreed, that the Catholics *may, with satis-"faction and gratitude, accept* and embrace the "Bill which was last year presented for their "emancipation."*

* "With great pleasure we have learned, that a Bill for the "emancipation of the Catholics of your flourishing kingdom "from penal laws, which was proposed last year, and lost by a "small minority, may probably be again presented in this "Session of Parliament."—"and since it has been represented, "that among the bishops certain questions and differences "have arisen, relative to the conditions on which the Catholics "are to be placed on an equality with their fellow subjects, "we, who, in the absence of the supreme Pastor, are placed "over the concerns of the sacred missions, and for that pur-"pose are invested with full pontifical powers, have thought it "incumbent on us to remove every ambiguity and obstacle "which might impede so desirable a conciliation." "Having "therefore taken the advice of the most learned prelates and "divines, having examined the letters, which have been trans-"mitted to us, both by your Lordship and the Archbishop of

So much for the alleged incompatibility of your securities with the discipline of the Roman Catholic Church, and with the free exercise of their religion. The highest authority in Rome pronounced the offer to merit not merely acceptance, but gratitude: nor can we seriously doubt, that if no ulterior objects had been in view, such would they have been deemed in Ireland. But this did not accord with the ambitious projects of the Irish prelates; accordingly, in order to defeat the conciliatory tendency of the rescript from Rome, recourse was had to a very different measure, a measure really incompatible with their own discipline, and in direct opposition to one of their own declared principles. They could not themselves fly in the face of the rescript from Rome. Therefore, the *parish priests* of the diocese of Dublin were induced to hold a meeting on the occasion, and to come to the following resolutions.

"1. That we consider the rescript of M.

" Dublin: and the matter having been maturely discussed in " a special congregation, it is decreed, that the Catholics may, " with satisfaction and gratitude, accept and embrace the Bill " which was last year presented for their emancipation, in the " form in which your Lordship has laid it before us."—Butler's Hist. vol. iv. App. p. 520.

" Quarantotti as not obligatory, particularly as " it wants those authenticative marks whereby " the mandates of the Holy See are known and " recognized; and especially the signature of " the Pope.

" 2. That we consider the granting to an Anti- " Catholic government any power, direct or in- " direct, with regard to the appointment and " nomination of the Catholic Bishops in Ire- " land, to be at all times inexpedient.

" 3. That, *circumstanced as we are in this* " *country*, we consider the granting such a " power not only inexpedient, but highly detri- " mental to the best and dearest interests of " religion, and pregnant with incalculable mis- " chief to *the cause of Catholicity in Ireland*."

Thus, were the inferior clergy put forward to give their condemnation of an authoritative decree from Rome, though these very prelates have themselves most solemnly declared, " that " it is the undoubted and *exclusive* right of Ro- " man Catholic Bishops to discuss all matters " appertaining to the doctrines and discipline " of the Roman Catholic Church."*

But the matter must not be thus dismissed. The terms in which the last resolution of the

* Resolutions of Irish Roman Catholics Bishops assembled in Dublin, Feb. 24, 1810.

Dublin clergy is expressed, are big with the most important meaning. "Circumstanced as "we are in *Ireland*, we consider the granting "such a power highly detrimental to the best "interests of religion." Why in Ireland more than in other countries? Why, there, should they object to give to their sovereign a security, which every other government in Europe insists on possessing? Is it, that it is incompatible with the discipline of their Church? That, as we have seen, could no longer be pretended. What, then, is the true reason? The last words of the resolution explain the whole. It is "THE CAUSE OF CATHOLICITY IN IRELAND;" in plain English, it is the hope of seeing their Church exalted in triumph on the ruins of the Protestant Church, which instigates them to the barefaced disregard not only of the wishes of their parliamentary friends, but also of the mandates from Rome and the practice of every state in Christendom.

But even this was not all. The priests, from their altars, addressed their congregations against the papal rescript. They exhorted their flocks to be patient, to remain tranquil under so severe a visitation: but *to be prepared, if necessary, to sacrifice their lives* rather than surrender the freedom of their Church to prelate

or pope. The exhortations were heard with deep emotions of indignation; and it was easy to see that the resistance will be universal.*

I request you, Sir, to couple this intimation with the language of the Irish prelates in their resolution of May 27, 1813.—" Nor can we " dissemble our *dismay* and *consternation* at the " consequences which such regulations, (your " projected securities,) if inforced, must *neces-* " *sarily* produce," and then to say, on your own recorded principles, what was the course which it became yourself, and the other advocates of concession, to pursue? You could not blind yourselves to the glaring fact, that if Parliament had passed your Bill into a law, (a Bill, according to your own statement of it, as full of liberal indulgence as was consistent with a decent regard to the safety of our Protestant institutions,) instead of tranquillizing and conciliating Ireland, it would have been the signal for deeper and more rancorous hostility. Let it not be said, that it was the refusal of Parliament to pass this Bill, which excited so much violence; on the contrary, that very re-

* Dublin Evening Post, Tuesday, May 10, 1814, as cited in " Dangers with which Great Britain and Ireland are now me- " naced," a very valuable pamphlet, from which I have not scrupled to borrow much of the statement of this matter.

fusal was caused in part by the early declared opposition of the Roman Catholics to its provisions. No, Sir, it was the dread that in another session the meagre majority which had defeated your attempt might no longer be able to prevail,—that concession would come to them burthened with conditions, which would make their ulterior objects less attainable: this it was which arrayed against you all the Roman Catholic population of Ireland. What then, I repeat, was the conduct, not only which you might have been expected to pursue, but which you had yourself, but a few short months before, publicly prescribed to others? You had "coupled the proposed concession with such re-"strictions and qualifications as you had thought "necessary," and with such only:—"if the "Roman Catholics should refuse," (and they had declared in the strongest manner that they would refuse,) "you had done your duty by "them. You had gone as far as you could "with safety to the establishments. You had "not exacted from them terms that were un-"necessary;" it remained, therefore, if you had any regard for the pledge you had given, and for the consistency of your public character, that you should "be rigorous in insisting on "those conditions which you had imposed."—

Nay, this was not left to be deduced by inference from your former language. In speaking in favour of this very Bill,* you expressly declared, that "if the boon proffered by Parliament should be contumaciously refused, *you were firmly determined to take your stand against the Catholics*, the same as if you had never stood forward their advocate."

How, Sir, did you redeem this pledge? Let the history of the last fourteen years answer the question. I will not pursue the detail through all the miserable gradation of big professions and small performances, growing every year still smaller, till at last you brought yourself not only to give your support to that insult on the common sense of the country, the Bill of 1825, but actually to declare, that in your judgment no better securities could be devised.

It is true, unhappily too true, that your's has been very far from a solitary instance. All, or almost all, the distinguished men,† who set out

* May 11, 1813.

† I may be permitted to make an exception of one very distinguished name, I mean the late Lord Londonderry. His language and conduct on this question, even to the hour of his death, were uniformly in favour of concession to the Roman Catholics, but on the indispensable condition of real and effective securities. Mr. Canning bore the amplest testimony to the manly, yet conciliatory, tone, in which his Lordship stated his

with supporting the claims of the Roman Catholics on the professed principle of requiring adequate securities for our Protestant establishments, have by degrees sidled off into the same devious track. One among them, whose wise and dignified language I have before been proud to cite, even that earliest advocate of their cause, who once required as the indispensable condition of his powerful support, that they should exhibit "those dispositions, without "which all concession must be nugatory, and "all conciliation hopeless,"—he who declared in a public letter, composed with all the deliberation, and guarded with all the caution of the most rigid diplomacy, that "with the ex-"tension of civil rights to Roman Catholics "must be combined, *if tranquillity and union be* "*the object*, other extensive and complicated "arrangements,—that all due provision must "be made for the inviolable maintenance of the "religious and civil establishments of this

objections to Mr. C.'s clauses in the Bill of 1813, as first proposed, and to his hearty and honourable co-operation in correcting them. Among the many reasons, which made his death a national misfortune, perhaps there is none more important, than the loss of his sound practical good sense to restrain the extravagancies of the more incautious advocates of the Roman Catholic cause.

"United Kingdom;"—even he was at length heard openly to abandon the demand of all securities whatsoever.

He took this step, and was followed in it by others, even while the tone and temper of the Roman Catholics were daily becoming more violent,—their hostility to our establishments more undisguised,—their hopes of carrying their object by force more sanguine,—their threats more loud and daring,—their whole conduct more and more glaringly evincing the blind and reckless fury of the most envenomed hatred.

It should seem, that, in the judgment of some of our statesmen, a very peculiar principle of political calculation applies to this subject, by which the necessity of precaution is found to be in an inverse ratio to the magnitude of the danger. Not many years ago, a meek and imploring suitor was not to be admitted into the outer court of the temple, without first demanding from him ample securities for his good abearing;—but, now, every barrier may be safely broken down,—nay, every obstruction and inconvenience must be carefully swept away, in order that the armed ruffian, with defiance on his front, and menace on his tongue,

may find a free and unencumbered passage to the very sanctuary of our laws and our religion.

"Still there is something respectable in this daring defiance of all the claims of consistency, this bold contradiction to former opinions, however deliberately adopted, however repeatedly and solemnly recorded,*—when compared with

* March 8th, 1810, Lord Grenville rose to present a petition on behalf of the Roman Catholics of the county and city of Waterford. "His Lordship wished to take the present opportunity of restating his opinions upon this important subject. Indeed, it could scarcely now be necessary for him to restate them to their Lordships. He had for some time back adopted the most public mode of declaring and disseminating them, (by his letter to Lord Fingal,) and he had now only to say, that *whatever circumstances had since intervened, he not only had not altered those opinions, but that they had been strengthened and confirmed. He had maturely weighed those opinions. They had not been lightly taken up.* Much less had he since made any attempt to change their character and complexion, with the view to square them to any new doctrine, or to suit them to any new purpose. *In the sentiments he had invariably expressed on this most important subject, he should most steadily persevere.*" Since this declaration was made, the Pope has been released from the thraldom of Buonaparte; but this single alteration of circumstances will not account for so complete a change of views and conduct in the Noble Lord, and in those who have followed in his train. It was not the danger from foreign influence merely, which was the ground of his former opinions,—but the necessity of consulting for

the illusory and shifty course pursued by others; by those who, affecting to be faithful to their ancient principles, have surrendered them all, one after another, at the dictation of men, who repay their subservience only with ill-dissembled ridicule. Mr. O'Connell was not long ago advised to follow moderate measures. I forget the exact words of his answer; but, in substance, he told his adviser that it was by violence alone, that the Roman Catholics of Ireland have advanced their cause to its present prosperous state. "Remember," said he, "the conditions which were once required of "us even by our present friends, and contrast "with them the terms which we can now "command. Was it our peaceable demeanour, "our decorous language, which placed us on "this vantage ground? No! it was the bold-"ness with which we asserted our claims, the "unflinching, uncompromising tone of all our "measures, that has enabled us thus to look "back with triumph, and forward with confi-"dence. If, indeed, any thing could have been "gained by following the course which you

"mutual conciliation," for "allaying jealousies," for "tran-"quillity and union," above all, for "the inviolable mainte-"nance of the religious and civil establishments of this United "Kingdom."

"gentle counsellors recommend, we might have "been ready to play the pliant part, and listen "to the men to whom we now dictate."

Sir, I remember an old common-room story, which seems so aptly to illustrate the course you have thought fit to pursue towards these Irish agitators, that I will crave your patience, while I tell it to you here.

A celebrated wit, the best scholar of his day both at Eton and at Oxford,—a first-rate speaker, too, in Parliament, whose only fault was a little over-anxiety, in season and out of season, to get the laughers on his side,—happened one day, in driving along a narrow road, to meet a heavy loaded waggon. What was to be done? he wished to be accommodating, but for both to proceed was impossible: asserting, therefore, the privilege of his aristocratic vehicle, he peremptorily ordered the farmer to get off the road. "Off the road! "I not for thee, nor any man in England;—"and if thou dost not take that gimcrack of "thine out of my way directly, I'll do—what "I should be very sorry to be obliged to do." Our hero, though by no means deficient in manhood, yet wisely considering that no honour could be gained in such an encounter, soon determined to take the discreeter part. There-

fore, settling the matter of dignity as he could, with the best grace possible, and with admirable management of his reins, he contrived to back out of the difficulty, and at length lodged himself and his curricle on a piece of smooth turf, at a considerable distance in the rear. "And "now, my friend," said he, "since I have done "this purely for your accommodation, be so "good as to tell me what you meant by say-"ing, that if I did not get out of your way, "you'd do what you would be very sorry to "be obliged to do." "Why, please your "honour," says the honest Yorkshireman, pulling off his hat, and making his lowest reverence, "If you had not backed, *I must*."

Such is the ludicrous condition, to which you have reduced yourself: but, unhappily, there is something in it worse than ludicrous. Sir, you must know better than I can presume to judge, what was due to your own dignity, I had almost said, to your own honour. But as one of your warm admirers, as one who was persuaded by your powerful and manly eloquence in 1813, almost to wish that your labours might ultimately succeed, I felt no slight pain in witnessing so strange, so unaccountable a fall,—in seeing you submit to the insolent domination of those demagogues,—in

seeing you look on with patience, while they "plucked out the heart" of your own enterprise, —in seeing you complete the career of defection and apostasy, by standing forwards as the leading advocate of the Bill of 1825.—That Bill I have already presumed to call an insult on the common sense of the country,—and I am well aware that I have no right to say this of a measure which had the sanction of yourself and a majority of the late House of Commons, without being ready to prove the charge. I proceed, therefore, to examine its provisions; and you, Sir, at least, will have no reason to complain, if I make your Bill of 1813 the principal standard of comparison.

Bill of 1825.

The concessions made in the last Bill are so entirely, or so nearly, the same with those before proposed, that I do not think it necessary to remark upon them—they extend to the admission of the Roman Catholics to an equality of legislative, judicial, and executive powers, excepting the offices of Lord Lieutenant of Ireland, and of Lord Chancellor both of England and Ireland.

The Securities, with which these concessions were to be accompanied, are the only subject worthy of inquiry. They consist of a new

Oath, and of two Royal Commissions, charged with certain duties, touching, first, the appointment of Roman Catholic Bishops and Deans;—and, secondly, the reception of Bulls and other instruments from Rome.

I will examine these in their order. And first of the *Oath*.—It contains nothing which has not been already prescribed by the Irish Act of the 13th and 14th of George III., or by that of the 33d of the same king. So far therefore we gain nothing. I beg pardon; we gain the exchange of *and* for *or* in two of its clauses. First,—as the law now stands, the Irish Roman Catholic "renounces, rejects, and abjures "the opinion, that princes excommunicated "may be deposed *and* murdered;" your new Security-Oath would have made him renounce, &c. the opinion, that princes excommunicated, "may be deposed *or* murdered;" and for the microscopic vigilance, which enabled you and your fellow-labourers in this good cause to suggest such an amendment in the existing law, I trust you will receive your due meed of praise.—The matter is really more important than the Protestant reader may at first suspect: for the persons, whose loyalty requires to be secured by these provisions, are prodigiously nice and accurate, in estimating the

exact quantum of obligation which they undertake. "Is it so nominated in the bond?" is their constant inquiry. If not,

> "be't but so much,
> As makes it light or heavy in the substance,
> On the division of one twentieth part
> Of one poor scruple,"

they will have nothing to do with it;—as the following very instructive instance may demonstrate.

The last clause of the Oath of 1793 runs in these words,—"I solemnly swear that I will "not exercise any privilege to which I am, or "may become, entitled, to disturb and weaken "the Protestant Religion and Protestant Go- "vernment in this kingdom." The Act, prescribing this oath, was printed in Dublin (Coglan, 1793) for the use of Roman Catholics, with *notes*;—whether it be that Acts of Parliament of this nature, like the Scriptures, must not be circulated among the faithful without the aid of orthodox comments to secure their being understood in the sense of the Church, I know not. But so it was; and the following is the note wherewith on this occasion the Faithful are edified, and we Heretics, if we are not wilfully blind, may be enlightened.

"*All here* are agreed, that to violate the "above clause, it is necessary to disturb *and* "weaken, not only the Protestant Religion, but "*likewise* the Protestant Government. They "are connected by the conjunction *and*, with- "out any comma after religion." (In Ireland, it seems, contrary to the rule of construction which prevails on this side of the Channel, punctuation is deemed an important particular in interpreting a statute.) "Both must be dis- "turbed *and* weakened, not in *any* manner, but "precisely *by the exercise of the privileges now* "*granted.* In other respects, *we are in our* "*former situation* as to preaching, teaching, "writing, &c. 'Weaken' after 'disturb,' ap- "pears rather an expletive than a word con- "veying a distinct meaning, for it is implied "in 'disturb,' as whoever intends to disturb, "*à fortiori*, intends to weaken: hence the ex- "pression is generally understood, and so it "has been explained by every one consulted "on it—'to weaken by disturbance:' indeed "if *or* was between *disturb* and the word *weaken*, "AS IT WAS PROPOSED TO BE, *the signification* "*would be changed and inadmissible.*"* Admi-

* See Note to Sir J. C. Hippesley's Speech, Cobbet's Debates, May 11, 1813.

rable casuists! It should seem, therefore, that the framers of the new oath, quite aware of the punctilious attention paid by these religionists to the meaning of particles, were so good as to give his Majesty the full benefit of the disjunctive *or*, in the deposing clause. And the other high contracting party were graciously pleased to assent to the alteration. To say the truth, the concession would not have gone quite so far, as it may have been at first supposed; for although either to depose *or* murder would be forbidden by the new oath, yet very little ingenuity is requisite to discover, that a Heretic and excommunicate king may be *killed* without being murdered. I am aware, Sir, that there is a modern authority for the assertion, that the Council of Constance has expressly declared, "that the king-killing doctrine, or murder of "princes excommunicated for Heresy, is im-"pious and execrable, being contrary to the "laws of God and nature."*

But this, I am sorry to say, is only one of the many instances, in which those, who, like myself, have the misfortune to be employed in hunting these Jesuits through their various

* Gother's "Catholic Principles," republished by Dr. Coppinger, cited in Sir J. C. Hippesley's Speech, May 18, 1810. Cobbett's Debates.

windings, are taught the absolute impossibility of taking any thing whatever on their bare assertion. Sir, the decree of the Council of Constance, not only does not say, what Gother and Dr. Coppinger are pleased to say for it; but its real words *imply* the very contrary. They are as follows:—"The following article is condemned:* 'Every tyrant may and ought 'lawfully and meritoriously to be put to 'death by any vassal or subject of his, even 'by clandestine artifice, &c. notwithstanding 'any oath taken to him, or compact made 'with him, *without waiting for the sentence or 'command of any judge whatever.*'" Hereby implying, that princes have judges who can pronounce sentence upon them, and can command that they be cut off.

Let us add the canon of Urban II.† which says, "*We do not consider those as homicides,* who, "burning with zeal for the Catholic Church "against excommunicated persons, happen to "have killed any of them," and in consequence requires that but a moderate penance be laid on such persons,—a canon which still has its place in the ecclesiastical code, and is part of the canon

* Con. Const. Sess. xv.

† 47 Ca. 23. Qu. vi. Excommunicatorum.

law of the Church of Rome. It follows, that if the party who takes this oath be content to *kill* an excommunicated king, from the impulse of *religious zeal*, without previously deposing him, as such "killing" is no "murder," he certainly would not violate the oath.

But I repeat, I am eager to give all due praise, whatever it be, to the caution which has obtained for us even this one point. The proposed security-oath abjures the opinion, that an excommunicated king may be deposed *or* murdered; not, as it stood before, deposed *and* murdered! You were also so good, as to make a similar amendment in one particular of the other clause, which has been cited above. "I "will not use any privilege, &c. to disturb the "Protestant Religion *or* Protestant govern-"ment," is the form in which it stands in your oath. As for disturbing *and weakening* them, your friends at Dublin having declared, that the change of *and* into *or* is there *inadmissible*, you very prudently omit the phrase altogether.

We have now seen *all the new security* you have given us in the oath. It consists of twice changing *and* into *or*! Let us next look to the opposite side of the account, where we find the following items standing against you.

The clause "I do swear, that I will defend

" to the utmost of my power, the settlement " and arrangement of property within this " realm, as established by the laws," is OMITTED; and yet it appears in evidence before the Committee of the House of Commons,—it is indeed a matter of universal notoriety,—that the descendants of the former owners of forfeited property in Ireland, extending to almost the whole land, still keep alive the memory of their claims, and are ready eagerly to avail themselves of any convulsion which could give a hope of asserting them with success!*

Again, the clause " I do declare solemnly " before God, that I believe that no act, in it- " self unjust or immoral, can ever be justified " or excused, by or under the pretence, or " colour, that it was done, either for the good " of the Church, or in obedience to any eccle- " siastical power whatsoever," as also, " that it " is not an article of the Catholic faith, neither " am I thereby required to believe, that I am " bound to obey any order in its own nature " immoral, though the Pope, or any ecclesias- " tical power, should issue or direct such order; " but on the contrary I hold, that it would be " sinful in me to pay any respect or obedience

* See Col. Irwin before Comm. 696-8.

"thereto;" ALL THIS IS OMITTED, and yet the history of the three last centuries proclaims to every one who thinks of history at all as something better than "an old almanack," that the mandates of nuncios, bishops, and priests, in defiance of the laws of God and man, have repeatedly led the people of that unhappy land to every deed of violence which men can commit.

At this very day, it is notorious, that the Bull Unigenitus is received, and is in force in Ireland, and that one of the propositions *condemned* by that Bull is as follows:—"That the fear of "an unjust excommunication, ought not to "deter us from doing our duty." Dr. Murray has indeed endeavoured, in his evidence,* to explain away this most astounding fact. He says, that "the proposition was condemned in "the precise meaning of the individual (Quesnel) out of whose book it was extracted: "which meaning was, that he was not to be "deterred from *supporting* certain *condemned* "*errors* by the dread of an excommunication, "for that an unjust excommunication should "not deter a man from doing his duty, that is, "from doing that particular duty, a thing

* P. 647. Commons.

"which really was not a duty but a crime." Dr. Murray must have sadly forgotten himself, when he hazarded such an assertion before the Committee. He will, on recollection, I doubt not, be ready to retract it, and to acknowledge that Quesnel, as well as the Jansenists in general, not only did not support the condemned errors, but actually admitted that they were heretical! Their offence was of a very different kind; namely, that while they condemned the erroneous propositions, they denied that those propositions were contained in the books out of which the Pope had professedly extracted them. In short, they did not subscribe to the Pope's infallibility in matters not of faith (that they admitted) but of *dogmatic fact*. The Pope issued a Bull enjoining them, on pain of excommunication, to admit his infallibility in this latter sense. Quesnel thought it his duty to decline making this admission, and said, that "the fear of an unjust excommunication ought "not to deter us from doing our duty." Thus, then, it was that the Pope condemned, and so do the Roman Catholics of Ireland (for they have admitted his Bull) *condemn*, the proposition, that the dread of excommunication ought not to deter the members of their church from

doing what they conceive to be their duty*—the duty, in the instance proposed, of refusing to affirm what the party did not believe to be true, even on a point never before decided by the Church, and resting solely on a Bull of the Pope. But how on this principle can we be assured, that the Roman Catholics of Ireland will not, on all occasions, yield to the terrors

* It is curious and edifying to see how the Class Book of Maynooth deals with this extraordinary censure in the Bull Unigenitus; and it has too intimate a connection with the principles of the Roman Catholics to be foreign to our present purpose. "Of unjust excommunications," it says, "some are "*evidently* unjust, others not so; and not all unjust excommu-"cations are null and void." Again, "there are various "kinds of duties, some necessary and immutable, others liable "to change; we must distinguish too, between duties evidently "immutable, and those which are falsely, or rashly, or doubt-"fully esteemed such. Now to the proposition of Quesnel, "'Excommunicationis injustæ metus non debet nos impedire "ab implendo nostro officio,' is indefinite, negative, and in a "matter of doctrine, it is, by the rules of logic, equivalent to "an universal, and therefore must be understood of every unjust "excommunication whatever, and every duty whatever. But so "considered, the proposition is false, scandalous, injurious to the "Church and to its practice. For it is a common maxim of law, "that 'a sentence of excommunication, even evidently unjust, "if it be not null, ought to be feared and observed.' There-"fore the faithful ought to be hindered by it from performing "a duty which is not immutable, or capable of relaxation."—De Pœn. p. 412.

of excommunication, in spite of their own private conceptions of their duty? The appeal to history, I repeat, affords a fearful confirmation of the reasonableness of the apprehension. And it has received a most instructive illustration from the events even of the last few months.

Would that this were all! But it is stated in evidence,* that it is at this hour taught at Maynooth,—the very passage from the Class-Book is adduced,—that, "such is the sacredness of "the obligation to obey the Church, that, even "*at the day of judgment,* the sinner, who has "erred by following its commands, may thus "address his Heavenly Judge, and *claim forgiveness as of right.* 'Lord, if it be an error "which we have followed, *Thou Thyself hast* "*deceived us* by thine own plain and reiterated "direction, that we should hear the Church, "even as we hear Thee. *Thou Thyself hast* "*deceived us* by thy apostles, by the pastors and "teachers appointed by Thee "for the perfecting of the Saints, for the edifying of thy "Body"—who have commanded us so to do. "*Thou Thyself hast deceived us* by thy Church, "called by St. Paul "the Pillar and ground of "the Truth," which Church has never ceased,

* Lords, p. 682.

"to exact from her children a firm assent to all "her decrees, *threatening an everlasting curse* "*against those who dare to rebel against her.* "Conscious, alas! of our own ignorance in "divine things, and of the weakness of man's "understanding, how could we rely on our- "selves in searching the Scriptures, and despise "an authority so exalted? *Confidently, there-* "*fore, we say, O Lord, if it be an error which we* "*have followed,* THOU THYSELF HAST DECEIVED "US AND WE ARE EXCUSED.'"

I assure you, Sir, it is some relief to a mind of ordinary piety, to turn from blasphemy so revolting, even to the details of your Security-Oath. I must next, therefore, apprise my readers that the following clause of the old oath, "I also declare that it is not an article of the "Catholic Faith, neither am I required to believe "or profess, that *the Pope is infallible,*" is OMITTED. The old oath itself is so far deficient on this point, that it does not require the party to disclaim for himself the belief of the Pope's infallibility; and yet, if he believe that article, what security can he give for his allegiance to any Protestant Government? If the Pope is infallible, then was the Massacre on St. Bartholomew's Day a righteous and a holy deed; for Gregory XIII. not only went in solemn proces-

sion to the church of St. Louis, to return thanks to God for it, but also he sent plenary indulgences in abundance to the king and people of France, in reward of their exemplary zeal. If the Pope is infallible, then is the king-killing doctrine of the Jesuit Saurez true; for Paul IV. sanctioned it with his express approbation. But why should I go back to former centuries? If the Pope is infallible, then must his deposing power (in spite of Dr. Doyle's sworn testimony that it is quite obsolete) be still admitted, for Pius VII., in our own days, recognized it in his Bull of excommunication against his once beloved son Buonaparte;—and the possession of ecclesiastical lands or goods by heretics, is sacrilegious and impious; for so the same Pope maintained by his Nuncio at the Diet of Ratisbon in 1803. And yet, Sir, with all these, and all the other obvious consequences of the doctrine of Papal Infallibility staring you in the face, not only you and the Committee were pleased to suffer Dr. Doyle to evade stating his own opinion*, on this point, and to send you for

* What may be Dr. Doyle's opinion on this point is not, perhaps, of very great moment. But it is worth remarking, to those who ascribe importance to the opinions of Universities, that the University at which he was educated, that of Coimbra, gave its formal opinion in 1717 in favour of the infallibility of

further information to a scarce work of an old Bishop of the Canaries (who, by the way, expressly affirms it), but also you strike out all reference to it in your oath, and so would permit even those, who hold it as a matter of divine faith, to bear part in the government of this Protestant land.

It would be tedious to pursue my observations on all the omissions of this precious oath.—I shall content myself therefore, with merely mentioning, that the clause, which disclaims belief in the efficacy of the Absolution of Sins at the mere will of the priest, is also omitted.

But there remains a particular, on which I must detain you with a few remarks. The last clause of the proposed oath is as follows: "And I do solemnly swear, that I will never exercise any privileges to which I am, or may become entitled, to disturb the Protestant Religion or Protestant Government, in this kingdom." "*To disturb the Protestant Religion*" is perhaps, in itself, one of the most

the Pope. "Our University," so it writes by its Rector to Clement XI., knows, that *by the mouth of the Sovereign Pastor, "it is God himself who speaks* to the Flock, over which the "Holy Ghost has constituted him the Universal Bishop, to "govern the Church of God." Hist. des Papes, t. v. p. 476. (par Fr. Bruys.)

vague and unmeaning phrases, that could have been devised. It admits of evasion and equivocation without end. I will notice only one instance, the obvious and important distinction, —one actually taken by Dr. Doyle,—between the Protestant *Religion*, and the Protestant *Established Church*. That very single-minded and ingenuous divine, under the signature of I. K. L., has instructed his readers, that to strip the Established Church in Ireland of what he conceives its ill-gotten and ill-employed possessions, would rather strengthen than impair the Protestant Religion! of course, therefore, to endeavour to accomplish this end, would be not at all inconsistent with the oath. It is true, that, according to the clause immediately preceding, they must not intend "to subvert the "present Church Establishment, for the pur-"pose of substituting a Roman Catholic Esta-"blishment in its stead:"—but this is all; if they keep clear of the latter purpose, they may intend and labour to the utmost,—indeed, they seem invited to do so,—for the subversion of the Established Church. On this account, you, Sir, in your better days, or Mr. Grattan, introduced into the Bill of 1813, the following very important improvement of this part of the present oath. "I do solemnly swear, that I

"will not use any privilege, power, or influence, "which I do now, or may hereafter possess, to "overthrow or disturb the *present Church* "*Establishments* of the United Kingdom; and "that I never will, by any conspiracy, con- "trivance, or device whatsoever, abet others in "any attempt to overthrow or disturb the same; "and that I will make known to His Majesty, "&c. all attempts, plots, or conspiracies, whe- "ther at home or abroad, which shall come to "my knowledge, for effecting either of these "purposes."

A similar caution was observed in that part of Mr. Plunkett's Bill of 1821, which prescribed the oath to be taken by the Roman Catholic clergy;—they were to swear, that they would have "no correspondence or communication "with Rome for the purpose of directly or indi- "rectly disturbing the Protestant Government, "or the *Protestant Established Church of* Great "Britain and Ireland." Why, Sir, were these valuable precedents abandoned on this last occasion? Why was it, that you reverted to the old, and avowedly defective, phraseology of the existing oath?—Why, but because the whole proceeding was regulated according to the views and wishes of the Roman Catholics themselves,—of the very persons, against whose

apprehended hostility new checks and safeguards were to be devised. Mr. O'Connell wrote to his Dublin friends, that such was the liberal wish for conciliation in England, that he himself was employed to draw the Bill! and though the dignity of our senators took fire at the intimation, the internal evidence proves most conclusively, either that Mr. O'Connell said what was literally correct, or at least that he was allowed "an effectual negative" on your deliberations. I suspect, that Dr. Doyle was also of the party; for the interests of his order were too amply and warily provided for, to have been altogether the work of laymen however liberal. In short, nothing seems to have been insisted upon, which the Roman Catholics could find any difficulty in yielding; if any objection, on their part, arose, the point itself was abandoned; and this whole process of arranging the terms of the oath, was no better, than allowing you to march out with the honours of war, and sparing you the shame of a surrender at discretion.

So much for Security the first,—and the *chief*, —the new oath. It leaves out almost all the most important articles of the oath already prescribed by law;—but it presents us with the

grand improvement of twice exchanging *and* for *or*!

"Let us pass to Security the second. The Bill proceeds to declare that "regulations "touching the appointment of bishops and deans "of the Roman Catholic Church in Ireland are "deemed necessary:" and truly when the portentous powers possessed, and exercised, by these functionaries, in the present state of that unhappy country, are borne in mind,—still more, when it is recollected who, and of what character, are some of the personages who now fill the station of bishops there,—that one of them, under the signature of I. K. L., is by far the most daring and seditious libeller of the day,—that another scruples not (if the public papers do not belie him) to address an assembly of thousands of the most ignorant of his countrymen in terms hardly short of excitement to immediate insurrection,*—it will readily be con-

* Dublin, Sept. 11, 1826. "A baronial meeting was held "a few days since, under the ruins of the ancient Abbey of "Murisk, in the County of Mayo. At this meeting *several* "*thousand persons* attended. The meeting was addressed by "the *Rev. Dr. Kelly, a Roman Catholic Bishop.*" Among other things, "*Look around,*" said he, "*and behold those vener-*"*able ruins under which we are assembled—such is the disgraceful*

ceded, that "regulations touching the appointment of them" are indeed "*necessary.*" It was, therefore, with pleasure we saw in your Bill of 1813, a Board provided, consisting, in addition to some of these ecclesiastics themselves, of certain of the leading laymen of their communion, and, at the head of all, a Protestant of high rank and consideration, no less than one of His Majesty's Secretaries of State in England, or the Secretary of the Lord Lieutenant in Ireland; these were to report on the fitness of the candidates proposed, and on their report His Majesty was to signify his approbation or disapprobation of the appointment. But a Board so constituted—much more possessed

"*and oppressive system of the penal laws, that if I had means of* "*throwing a roof over this building, that you might congregate* "*here for the worship of God, that act would be illegal, although* "*this church was built by the pious offerings of your ancestors.* "On every side to which we turn there are pains and penalties "for the persecuted Catholic. Is he not compelled to break "through the ordinances of his church, or be dismissed from "his employment? Must he not work at factories not far from "where we now stand, on days on which he should worship "his God, or be turned out of employment, and stigmatized by "the name of Papist? *My friends, those things are quite fami-* "*liar to us; if any other nation suffered as we have suffered—* "*if our English friends were to endure such oppression, do you not* "*imagine that they would be long since removed?*"

of such authority—was not to the taste of your present masters,—and, therefore, as a matter of course, it was abandoned;—and our Sovereign was not to be permitted to exercise any power whatever, no, nor to possess the smallest influence, over this Irish hierarchy, though it is notorious, that the schismatical Emperor of Russia, and the heretical King of Prussia, exercise, in the appointment of the Roman Catholic bishops of their dominions, a power far exceeding the utmost ever proposed to be given to His Majesty, and have each of them an accredited agent at Rome, chiefly for the exercise of it. Our King himself has an absolute negative (with the consent of Rome) on the appointment of bishops of that communion in Canada; and the bishop of Quebec is not allowed so much as to choose his coadjutor, until the latter has been approved by the civil governor.* So plain indeed is the right, and so obvious the necessity of asserting it, that the late Pope, on being informed of the unwillingness of the bishops of his church in Ireland to concede the power which he had expressly given, actually addressed to them on the 1st of February, 1816, a long

* Dr. Milner's Letter to a Parish Priest, Aug. 1808, quoted by Sir J. C. Hippesley in his Speech, May 18, 1810.

letter of remonstrance and reproof. After demonstrating the propriety, justice, and expedience of the regulation, he thus concludes: "Such being the state of this momentous ques- "tion, what hope could there be entertained, "that *the British government would long have* "*submitted to an exclusion from a share in* "*appointing the bishops of your island*, while a "conduct so different is observed not only to "Catholic sovereigns, to those even whose "dominions are of the smallest extent, but also "to princes who do not belong to our commu- "nion?" "We, therefore, venerable brothers, "entertain no doubt, that you all, having con- "sidered, and duly weighed, what we have "thus set before you, will acknowledge the "measure adopted by us to be *most just*, and "will in all respects conform yourselves to "it."*

Such was the language of Pius VII. himself on this subject. But even the mandates from Rome are deemed by your Irish friends unworthy of their attention, when they coincide with the claims of duty to their temporal sovereign. Accordingly, in this Bill of their's and your's, the right, so freely given to every other

* See the whole Letter in the App. to Butler's Memoirs of English Catholics, vol. iv. p. 536.

government in Europe, is absolutely refused to our own.

But a Board of Commissioners was to be created: this would, at any rate, sound well.—And what was to be their business? They were to *certify* to his Majesty the appointment of any bishop or dean, to be hereafter appointed in the said Roman Catholic Church in Ireland!" Why, this, instead of a security, is nothing else but a new and very important concession: it is in plain English, to give them, what the law to this hour withholds, the public and formal recognition of their rank and character of bishops.—It may, however, be said that the certificate was to conclude in these words—"And we do believe the said A. B. to be *a loyal subject* of his Majesty." True; but the persons so certifying are not those who make the appointment, or necessarily know any thing of the person appointed. They are bound to "believe him," as they are bound to believe every one, "to be a loyal subject," unless he has given to them actual indications of his disloyalty. Does then such an attestation afford to the state the slightest security worth demanding, in a case where the very foundation of the demand is a just and reasonable jealousy of the dispositions of persons ap-

pointed to stations of great and extensive influence?

The oath prescribed by the Bill of 1813 forbade any ecclesiastic from "*concurring in or consenting to the appointment*, or consecration "of any Roman Catholic bishop or dean, whom "he did not conscientiously believe to be of "unimpeachable loyalty and peaceable con-"duct." Mr. Plunket's Bill of 1821 gave a similar, though somewhat weaker, assurance. Why, then, in this instance also, was the wholesome strictness of the precedents before you wilfully and studiously abandoned?

But of whom was the Board to consist? *Solely* of the Roman Catholic bishops themselves. Such men, as those, to whose proceedings I have just now adverted, are to vouch for the loyalty of their future colleagues! Sir, I will not abuse the patience of my readers, by commenting on such a provision. I will only intreat you to follow up your own principle, and recommend to your brother Secretary of State, Mr. Peel, that in his amendment of the criminal law, he give us the benefit of this new Security for our lives and properties, and provide, that in future every person charged with felony shall be tried by a jury taken out of Newgate.

One other Security remains. To the same Board of Roman Catholic Bishops, every Bull or other instrument from Rome is to be submitted; and, "if they shall not find any thing "in the said instrument, which *shall appear to* "*them* to be in any way injurious to the safety "or tranquillity of the United Kingdom, or *to* "*the Protestant Establishment, in Church or* "*State*, they shall report the same to his Ma-"jesty, or to the Lord Lieutenant in Ireland; "and thereupon the said instrument shall be "returned to the person, &c., with an indorse-"ment signed by the President of the Board, "signifying that the same had been *duly in-*"*spected*, and reported upon," &c. I hope, Sir, that the friends of "the Protestant Establishment in Church and State," are duly sensible of your goodness in placing their interest under the protection of such trustworthy guardians. But this by the way. The real practical amount of this final "Security," would be another great concession; it would give to the "bishops of the Roman Catholic "Church* in Ireland" a legalized right to communicate, as they please, with the Pope, and

* In the Bill as first printed, it was "Roman Catholic "Church *of* Ireland;" but this was thought too daring, and was altered in the committee to *in* Ireland.

to circulate, as they please, whatever mandates he may think fit, or be induced, to issue.

How admirably, in the discharge of this duty, they would consult for the honour of our sovereign, and the liberty and edification of his subjects, has been manifested by recent experience. It was but last year, that they published in Ireland a Bull extending the jubilee of the preceding year, (which, in consequence, as it seemed, of the inquiries going forwards in Parliament, they did not then think fit to publish,) to six months longer, excusing the faithful from the trouble of journeying to Rome, and granting a share in its benefits to all, who having with true repentance confessed their sins, and received the holy Eucharist, shall devoutly visit their cathedral, and three other churches, once at least on every day for fifteen days, and there "pour forth their supplication to God, for the "propagation of our holy religion, the en-"lightening of all who are in error" (such is their delicate translation of pro exaltatione ecclesiæ, hæresum extirpatione, &c.); "to all," it adds, "faithfully complying with these con-"ditions, *we mercifully concede, and grant in the* "*Lord,* that they, for once, obtain the plenary "indulgence of the jubilee, *the pardon and re-*"*mission of all their sins.*"

Again, three years ago, these same bishops formally, and with their signatures affixed, set forth an "encyclical letter" of the present Pope, forbidding the circulation of the Holy Scriptures in Ireland, speaking of the translation of them into the common language of the country (in other words, the authorized version, the Holy Scriptures in the view of the Law,) as a means of "turning the Gospel of Christ "into the Gospel of the Devil," as a "plague," "a most wicked novelty," "noxious both to "faith and morals."

Sir, I need not say, for you largely dwell on it, that the procuring such instruments from Rome is illegal, that it subjects those who procure them to the penalties of a premunire. To see such severe penalties inforced is more than any of us could wish; but I beg leave to express my entire concurrence in an opinion,* formerly entertained and avowed by yourself, that at any rate "the security against illicit "correspondence with Rome, *allowed on all "hands to be necessary to the state, ought no longer "to slumber in obsolete black-letter.*" It is too much that these persons should presume on absolute impunity, and should be permitted to

* Debates, 11th May, 1813.

brave the laws of their country at pleasure. I am well aware, that to expect the interference of the present Attorney General for Ireland against such offenders, might be deemed a little unreasonable. But there is a Secretary of State for the home department, who never yet shrunk from the discharge of any public duty; and there is a Secretary of the Lord Lieutenant of Ireland, under whose very eyes these blasphemous (and the latter of them, I submit, libellous) publications must have issued. From one, or both, of these distinguished and honourable men, better things might have been hoped. If by the very anomalous nature of the policy pursued towards Ireland,—by the Mezentian expedient, which hangs about them some chilling, palsying, deadening weight, to rob their native spirit of more than half its energy,—if, I say, they are thus prevented from accomplishing the good which their own wishes might prompt them to effect—at least we might expect, that in such a case as this, they would avow and deplore the condition in which they are placed. "Habemus senatus consultum," they might say to Parliament, "habemus "senatus consultum vehemens et grave; non "deest reipublicæ consilium neque auctoritas

"huius ordinis; nos, nos, dico apertè, consules "desumus."

But let this pass. Painful as it is, to see the spiritual interests of five millions of our fellow-subjects thus impudently sported with by Bulls from Rome, in defiance of the law, even this is better, than that it should be done in conformity to law;—it is less mortifying, than to see these same pestilent absurdities, these monuments at once of the presumption and of the folly of man, formally set forth (as they would be, if your bill had passed into a law) under the authority of "his Majesty's Commis- "sioners for regulating the Intercourse of Sub- "jects of this Realm with the See of Rome."

And now, Sir, having toiled through the Bill, permit me to recapitulate the fair and full amount of the new "Securities" therein de- vised. Two of the three provisions, which you are pleased to dignify by that name, are found, in truth, to be new and large con- cessions to the Roman Catholics;—the other, —the sole remaining fruit of seven-and-twenty years of hard labour, given successively by some of the acutest and most powerful intel- lects which England and Ireland have ever

produced, to the momentous problem of "combining Catholic Freedom with Protestant Security;"—is the amendment of two clauses of the Irish Oath of 1793, by changing therein the conjunction *and* into *or*.

Really, Sir, if the dignity of your station and character did not forbid the supposition, I should imagine that you had no other purpose in recommending such provisions, than to laugh at the whole proceeding. But, no; it comes from you in very sober earnest: and the most charitable way of viewing the whole matter, is to believe, that you have so tied and hampered yourself with this unhappy question, that you must see it disposed of at any hazard. You dare not scrutinize the particular measure devised for the purpose, whether by yourself or others. You are afraid of looking into its details, lest they should be found too absurd, or too mischievous, for even the powers of your eloquence to make them decently producible to an assembly of educated Englishmen. You, therefore, dispose of the whole of them in a lump. And the majority of the House, equally tired of the question, and equally committed upon it, with yourself, cheers you while you say that "you will not now enter into the ques- "tion of securities, further than observing, that

"you do not think we can have any better than those "proposed."

Mr. Canning's Speech.

From this view of the Bill, I pass to the Speech with which you were pleased to support it.

And here, Sir, I cannot but express my astonishment, that such a Speech should ever have issued from your lips. That there are in it, as there must always be in every considerable effort of your's, proofs of uncommon talent, splendid imagery, felicitous expression, I need not say. But the total absence of every thing like reasoning, the careful avoidance of all grappling with the real difficulties of your subject, the fabrication of foolish objections for the mere purpose of knocking them down,—above all, the tone of exaggeration, of forced passion, of idle menace, nay, of palpable contradiction, which mainly distinguish it,—form such a contrast to your happier, I should say your ordinary, style, as gives it the air of travestie, rather than of a genuine production of your rare genius. I am not ignorant, that it was characterized by one of the ablest of your hearers, as "unanswerable;" but, in sober truth, I can hardly imagine a more amusing exhibition, than

an answer to it from yourself. How would the unhappy wight, who had ventured, in your hearing to utter such an harangue in opposition to you, have been made to wince, and writhe, and groan, under the sting of your sarcastic tongue! You would have silenced him for the remainder of the session.

I, Sir, do not presume,—I am not able,—to answer you: but I will state faithfully every thing in the shape of argument, which is reported to have been spoken by you on this occasion, in order that you may see, how rich a mine of ridicule was open to any one capable of working it.

I. Your first argument is as follows:—"What "was it, that prevented the Catholics from "taking their seats in that House? The oath "against Transubstantiation. But while they "excluded a man from Parliament for his belief "in transubstantiation, it ought not to be for-"gotten, that he who believed in consubstan-"tiation enjoyed every privilege of the Con-"stitution. He did not say there was no dif-"ference between the two opinions; but the "man who could make it a ground of exclusion "from political power, must have a minute "perception of the niceties of ratiocination, for "which he might be envied as a logician, but

" which was wholly useless for the purposes of " common life."* *Hear. Hear.*

Sir, I will not do your powerful understanding the injustice of supposing for a single instant, that you ever ascribed the smallest weight to so barefaced a sophism. But non causa pro causâ is, sometimes, a very pretty and effective fallacy; and, in the absence of sounder materials, must not be discarded. Its real value on the present occasion may be best illustrated by putting a parallel case.

In order to protect the Bank of England from forgery, it is highly penal " for any one to have in his possession a frame for making paper with waved lines." Imagine, then, some sagacious country-gentleman, fresh from Burn, to come down to the House, and denounce, with becoming self-complacency, the monstrous injustice, that while straight-lined paper may be made with impunity, any honest man, who happens to have a curved-line frame in his house, is liable to be sent to Botany Bay. " I " do not deny," says he, " that there is a dif- " ference between straight and waved lines; " but the man who thinks that difference so " great, that the possessor of the waved-line

* I quote from Parliamentary History and Review for 1825.

"frame is unfit to abide in the same hemisphere
"with him of the straight, has an acuteness of
"sensibility to lineal rectitude, which, however
"it may demand our admiration, is utterly un-
"fit for ordinary life."

You will, I am sure, agree with me, that this argument is the very counterpart of your's. The only difference is, that the worthy Baronet would begin by deceiving himself, before he make any attempt on the understanding of his hearers—while the Right Honourable Secretary is altogether indulging in a speculation on the suasibility of others. On a former occasion, you were heard to state this matter, not certainly with historical, but with logical, accuracy. In arguing in favour of Mr. Plunket's Bill, (March 16, 1821,) you found it convenient to suppose, that the Test, respecting transubstantiation, was framed at the Revolution. "Concurring
"in the religion of the exiled family," said you,
"the Roman Catholic subjects of the British
"Crown were held also to be devoted to their
"political claims. The Roman Catholic was
"presumed to be essentially a traitor; but as
"treason was naturally concealed as much as
"possible, while religion was more readily
"avowed, or ascertained, *the test of the sus-*
"pected politics was sought in the professed Creed."

"*Was his Creed his guilt? no.—But his Creed* "*designated the man*, and his guilt consisted in "his foreign attachment."

Sir, you have here given so very happy an explanation of the Test, that I should be ashamed of myself, if I were to attempt to improve upon it. I will, therefore, only beg leave to correct you as to its origin, and of course its primary purpose. It was framed (can it really be necessary to remind you?) fifteen years before the Revolution, and at a time when there was no danger of any *foreign attachment*, except indeed to the Pope. But, in preference to using any words of my own, I will avail myself of the admission of a very distinguished Roman Catholic in the year next after its enactment. Father Peter Walsh, in the Dedication of his History of the Irish Remonstrance "To the "Catholics of England, Ireland, Scotland," &c. (p. 15,) says, "if any shall object those penal "statutes, which may perhaps be thought by "some to have all their quarrel, and all their "force, against some harmless doctrines and "practices, as, for example, against our doc- "trines of the Consecration and Transubstan- "tiation, and our practice withall of the adora- "tion of the Host, which this present Parliament "at Westminster in their late Act may be

"thought by some to make the principal mark, "whereat all the arrows of disfavor must now "be shot: the answer is both consequential "and clear. 1. That the Roman Catholics in "general of these kingdoms, both Ecclesiasticks "and Laicks, have always hitherto declined to "disown those Anti-Catholic positions, which "maintain the Pope's pretences of all supreme "both spiritual and temporal dominion. 2. "Their Missionaries, i. e. *their Priests, labour* "*to infuse into all their penitents all their own* "*principles of equivocation and mental reservation* "*in swearing any Oath, even of allegiance or su-* "*premacy to the King, and forswearing any thing* "*or doctrine whatsoever, except only those articles,* "*which by the indispensable condition of their* "*Communion they may not dissemble upon oath;* "3. That the tenet of Transubstantiation is one "of *these; therefore* to discover by this (how- "ever otherwise in itself a very harmless cri- "terium) the mischief which they conceive to "go along with it through the folly of Roman "Catholics in these dominions, *they make it the* "*test* of discriminating the loyally principled "Protestant from the disloyal and dissembling "Papist."

Sir, I thank you for giving me an opportunity of citing this passage, because it not only af-

fords a very complete answer to all the sagacious observations we are in the habit of hearing from divers persons besides yourself, respecting the folly of the law in demanding such a Test;—but also because it silences another, and apparently much graver, objection. Almost every one who speaks or writes on the side of the Roman Catholics, from the gravest senator down to the last speaker at a hustings or a tavern dinner, has been accustomed to triumph over the gross absurdity of requiring Oaths as a security from Roman Catholics, while they are charged with holding opinions subversive of the sanction of all oaths. Father Walsh has shown to us, that our ancestors were not so foolish, as these very wise persons are pleased to imagine: he has told us, that there are tenets which, by the indispensable condition of Roman Catholic communion, may not be dissembled upon oath, and that Transubstantiation is one of them, (as well, I suppose, as every other Article of Pius IV.'s Creed.) He has, moreover, told us, that to another class of oaths the same sacredness of obligation does not belong,—that to them, according to the doctrine of those Missionary Priests from Rome, equivocation and mental reservation may be very safely applied,—and that this is especially the case with Oaths of

Allegiance or Supremacy taken to the King. I heartily congratulate you, Sir, on a discovery so honourable to the persons, whose cause you support. But in saying this, permit me at the same time to say, that I have no doubt whatever, there are very few of them in England half so bad, as these their principles, if they continue to be their principles; nay, I have no doubt, that if Popes, or Priests, were to attempt now-a-days to draw such principles into practice among them here, we should soon see the happiest results from the experiment. But then, I am sorry to add, this admission must be confined to England:—unfortunately, there is another country concerned, and he must be a bold man, who would venture with equal readiness to answer for the mass of the Roman Catholic population, above all of the Roman Catholic Clergy, in that country. I will, therefore, here subjoin one or two specimens of the sort of management, to which Oaths of Allegiance to temporal Sovereigns (according to Father Walsh) are obnoxious.

In the first place, any one, who holds the supreme power of the Pope even in temporal matters, may safely swear that he has "no "temporal or civil power, direct or indirect, "within this realm," because his power, though

it operates on temporal matters, is not temporal, but spiritual. Again; by any general, though negative declaration, against any authority in general to be in the Pope, is only intended to deny his having an *ordinary* authority; it does not extend to his extraordinary,* casual, celestial, divine, authority, on great, and unusual, contingencies. Once more, there is a very important distinction between the *specificative* and *reduplicative* sense. This will be best explained by an example. In Father Walsh's time, the Irish clergy were willing to subscribe to this proposition, "It is our doctrine, that we "subjects owe so natural and just obedience to "our king, that no power, under any pretext "soever, can ever dispense with, or free us of "the same." Here, the reduplicative sense applies to "*we subjects*," that is, *while* we are subjects, which we shall not be, when the Pope by a judicial Process, or Bull, shall denounce the King excommunicated and deprived of the crown. The reduplicative sense applies also to "our King," that is, *while* he is our King, &c.† Such were the principles of the Congregation,

* This may probably explain, what most Protestant readers have been at a loss to understand, the Pope's DOMINIUM ALTUM, maintained by Mr. Butler.

† See Walsh's 2d and 3d Treatises.

of Irish Clergy in 1666, according to this honest Franciscan. Nor would they be moved from them by the precepts of the Apostles commanding obedience to the civil powers, even under the reigns of the most tyrannical emperors. "They say, with Bellarmine," (these are Walsh's words,) "*the Apostles*, with the Fathers, "and other primitive Christians, *dissembled on "this point, because they had not strength enough "of men and arms to oppose.*"*

* Walsh, Third Treatise, p. 31. Before I take leave of the Irish Priests of Charles II.'s time, I think it right to notice a very important mis-statement of Dr. Lingard respecting them. "The Irish Remonstrance" of 1661, of which Walsh was the prime advocate, was a most honest and loyal instrument, and was designed to satisfy the government of the sound principles of those who subscribed it. Accordingly Dr. Lingard, in a Tract published a few years ago, entitled "Documents to "ascertain the Sentiments of British Catholics in former Ages "respecting the power of the Popes," thus speaks of it:—

"In January, 1661, *the Catholic Prelates* of Ireland assembled "at Dublin, despatched an agent to England, to offer their "congratulations to the King on his restoration," &c. "Shortly "afterwards *they* transmitted to the same agent a paper to be "laid before the king, entitled 'The humble remonstrance, "acknowledgement and petition, of the Roman Catholic Clergy "of Ireland.' As this document (Dr. Lingard continues) is "not generally known, though it affords a strong argument in "proof of the loyalty and innocence of *that much-slandered "body, and shows the agreement between their principles and those*

In what degree the living generation of Irish priests may have departed from these principles

" *of the Catholics of England*, I shall offer no apology for tran-
" scribing it entire." Accordingly he transcribes it, and adds,
" the Chapter of the Catholic Clergy in England, who were at
" this time without a Bishop, directed Dr. Ellice, their Dean,
" to write a letter to the Bishop of Dromore, declaring their
" entire concurrence in the sentiments it contained, and their
" willingness to subscribe a similar declaration, whenever an
" opportunity might offer."

Now, the obvious meaning of this statement is, that the body of Roman Catholic Prelates and Clergy in Ireland, as well as the Roman Catholic Clergy of England, held and subscribed to the sentiments contained in that instrument. Of the English Clergy he says only what is true: but, with regard to those of Ireland, the real facts, as Dr. Lingard must have known from the very authority which he cites, are as follows:—The Remonstrance was *not* transmitted by the *Prelates* at Dublin to their Agent in England, but was given to him by a layman in London, *without their knowledge or concurrence*. *Only one* of their body, the Bishop of Dromore, (who died soon afterwards,) could be induced to sign it. It was censured at Rome, by the University of Louvain, by the Nuncio at Brussels—and was rejected almost universally by the Irish Prelates and Priesthood. Out of nearly 3,000 seculars and regulars, 70 only subscribed the Remonstrance, some of these subsequently withdrew their signatures—others were excommunicated, and several, in consequence, perished from want.

I have been engaged in controversy with Dr. Lingard; but I can assure him, that it is not with the feelings of controversy, that I now entreat him, in the name of that Christian Faith of which we both are ministers, to step forward and rescue his

of their predecessors, is more than I can presume to say. If charity teaches us to hope the best, it does not forbid us to take all reasonable precaution against the worst.—But I turn to something else, which I will take a little out of the order in which it stands in your Speech, because it has an obvious connection with the matters I have just considered.

You say, Sir, that the long OATH required to be taken by the Roman Catholic, "was originally devised *as a taunt* against his religion, "though it is now proposed as a limitation to "his capability of obtaining power."

I assure you, that it is with reluctance I contradict you on a point of history: but the importance of the cause, of which I am the humble advocate, will not permit, nor would you desire, that I should sacrifice truth to courtesy. That oath, as I am surprised that you have forgotten, was, in its most important particulars, first prescribed by the 3 James I. c. 4. s. 15.; and James, as I need not inform you, was one of the last of our princes, who would have given vent to an idle *taunt* against

name and his profession from that foul stain, which such a gross mis-statement must, if unexplained, indelibly stamp upon them.

the religion of Rome.* No, Sir, this oath had a much graver origin; it was rendered necessary by the most atrocious act of wickedness recorded in the English annals. "After the "infernal horrors of the Gunpowder Treason, "James I. caused the Oath of Allegiance to be "enacted in Parliament, as a Test,* by which "his loyal Catholics, who were attached to "their duties, as subjects, might be discrimi- "nated from those other Catholics, who were "under the predominancy of another power."† Whose language have I here employed to correct your very inconsiderate assertion? It is not my own,—it is not the language of any Protestant controversialist,—no, nor even of some solitary, liberal, Roman Catholic. It is part of the recorded and solemn statement of the "Committee of English Catholics" in 1791, addressed to the three Apostolic Vicars, in vindication of themselves, and of all that was most respectable in rank, in opulence, in character, of the laity of that Communion, when they

* James says himself of this oath, "Tanto studio tantâque "solicitudine cavebam, ne quidquam hoc juramento contine- "retur, præter fidelitatis illius, civilisque et temporalis obedi- "entiæ, quam ipsa natura præscribit."—Jac. I. Apol. Lond. 1619, p. 289.

† Declaration and Protestation, &c. p. 128.

were arraigned by their spiritual superiors, for voluntarily disclaiming before the world those pernicious principles, which had too long received the countenance and support of the highest authorities in their church.

Sir, I do not wish to dwell on the shameful parts of the history of my Roman Catholic fellow-countrymen; but when the most distinguished of their advocates strives to convert the guilt and opprobrium of Rome into an occasion of censure and reproach against the defenders of the Church of England, it is not easy, nor would it be becoming, to sit down in silence under your attack.

It has been seen, that the Gunpowder Treason was the proximate cause of this oath being imposed; but though the proximate, it was very far from being the only, cause. That Treason itself was, in truth, a natural fruit of the doctrines then almost universally taught in the Church of Rome. In particular, as you need not to be informed, Seminaries were founded and endowed at Rheims, at Douay, at Rome itself, for the education of English Priests; whose first duty it was to poison the minds of their people against the heretical government under which they lived. The right of destroying heretics was (I wish I could say

that it no longer is) a part of the Canon Law; that right had been recently exercised against the sacred persons of sovereign princes. The same Canon Law (as we have already seen) held, and still holds, it a venial offence, to put to death an excommunicated person, whatever be his station, provided that *it be done from zeal for religion.*

These, and such as these, were the reasons for imposing this oath, which you have thought fit to describe as an idle taunt. Believe me, Sir, it is not thus, that it has ever been regarded at Rome. It was there viewed as a sober, serious, formidable attack on some of the most favoured dogmas of the Vatican. Accordingly, this oath was solemnly condemned by at least four Popes, besides Nuncios, and Universities. Paul V. fulminated his censure of it in the following decisive terms:—"It ought to be "sufficiently manifest to you from the words "themselves, that *an oath of this kind cannot be* "*taken, without abandoning the Catholic Faith, and* "*the Salvation of your Souls;* for many are the "things contained in it, which are manifestly "opposed to faith and salvation."* Urban

* Satis votis ex verbis ipsis perspicuum esse debit, quod hujusmodi juramentum salvâ fide Catholicâ et salute animarum vestrarum præstari non potest, cum multa contineat, quæ fidei atque saluti apertè adversantur.

VIII., in his Brief of May 30, 1626, calls it "that noxious and unlawful English Oath of "Allegiance, the object of which is not only to "secure fidelity to the King, but *to wrest the "Sceptre of the Universal Church from the Vicars "of Almighty God.*"*

* Noxium illud et illicitum Angliæ fidelitatis juramentum, quo non solùm id agitur, ut fides Regi servetur, sed ut sacrum universæ ecclesiæ sceptrum eripiatur Vicariis Omnipotentis Dei.

In order that my readers may know what are the positions, which called forth these censures, I here subjoin King James's Oath.

OATH TO BE TAKEN BY 3 JAMES I. C. 4. S. 18.

I, A. B., do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, that our Sovereign Lord King James is lawful and rightful King of this realm, and of all other His Majesty's dominions and countries; and that the Pope, neither of himself, nor by any authority of the Church or See of Rome, or by any other means, with any other, hath any power or authority to depose the King, or to dispose of any of His Majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to His Majesty, or to give license or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to His Majesty's royal person, state, or government, or to any of His Majesty's subjects within his dominions. And I do swear from my heart, that notwithstanding any declaration or sentence of excommunication or deprivation made or granted, or to be made or granted, by the Pope or his successors, or any authority derived or pretended to be derived

So late as the year 1768, the Pope's Legate at Brussels, when an oath was in contemplation to be taken by the Irish Roman Catholics, wrote to Ireland on the subject in the following

from him or his see against the said King, his heirs or successors, or any absolution of the said subjects from their obedience, I will bear faith and true allegiance to his Majesty, his heirs and successors, and him and them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration, or otherwise, and will do my best endeavour to disclose and make known to His Majesty, his heirs and successors, all treasons and traitorous conspiracies, which I shall know or hear of to be against him or any of them. And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position, that Princes, which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever.

And I do believe, and in my conscience am resolved, that neither the Pope, nor any other person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge by good and full authority to be lawfully ministered unto me, and do renounce all pardons and dispensations to the contrary.

And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever; and I do make this recognition and acknowledgment heartily, willingly and truly, upon the true faith of a Christian.—So help me God.

terms I—"That the *abhorrence* and *detestation* of "the doctrine, that faith is not to be kept with "Heretics, and that Princes deprived by the "Pope may be deposed or murdered by their "subjects, as expressed in that proposed oath, "are *absolutely intolerable;* because *those doctrines* "*are defended and contended for by most Catholic* "*nations,* and *the Holy See has frequently followed* "*them in practice.*"

Dr. Troy, Roman Catholic Archbishop of Dublin, contents himself with remarking upon this, "that the Pope's Legate at Brussels de-"livered his own private unauthorized opi-"nion."* But *the Roman Catholic Church in Ireland was under his jurisdiction.*

Sir, it was not till within our own times, till the year 1778, that this oath was tolerated at Rome; nor even then formally and expressly, nor without much of qualification and reserve, and some considerable alteration of its terms. In particular, it was not endured that the doctrine of the Pope's *deposing power* should be called *impious, heretical and damnable;* for, as Dr. Milner says, "these are all high theological "qualifications, which no private Catholic, "without inclining to schism, can undertake to

* Sir J. C. Hippesley's Speech, 1810.—Supp. App. p. 26.

"pronounce on a *controverted* point," (such, it seems, the deposing power still is,) "on the "strength of his private judgment."*

II. But I return to the arguments of your Speech. That which comes next in order is as follows. "The next ground of objection is, "that the (Roman) Catholics hold the doctrine "of EXCLUSIVE SALVATION. Why, almost all "the churches are exclusive on some articles; "and let not those members, who urge this "objection, forget that the Church of Eng- "land holds the Athanasian Creed—a human "exposition of the great mysteries of Christi- "anity—and holds it with the expressed de- "claration, that they who differ from it cannot "be saved. With this fact before them, could "the (Roman) Catholics be excluded from the "enjoyment of their civil rights, on the ground "of believing the doctrine of exclusion?"

Sir, the laws of the old Athenian legislator, Draco, were said to be written in blood; for he annexed the penalty of death to every offence whatever. Suppose, now, that a citizen of Megara had observed to a friend at Athens, on the cruelty of this sanguinary code; "This is

* Ecclesiastical Democracy detected, p. 215.

"a dreadful system of your's, to put a man "to death for stealing a few figs, or breaking "into his neighbour's olive-groumd." "Why, "my dear friend," answers the Athenian, "how "can you talk so absurdly? did not you your- "selves hang a man, last week, for murder?"

This, Sir, affords but a very faint illustration of the wisdom of putting our use of the Athanasian Creed on a par with the tyrannical and intolerant principles of the Church of Rome. That Church, among a thousand similar extravagancies, sentences a man to the loss of all hope of Christian Salvation, who says, that it is contrary to the institution of Christ, *to mix water with wine* at the holy communion;* the Church of England, in the Athanasian Creed, pronounces the same of one who impugns the fundamental truths of Christianity; and you are pleased to say, that this deprives us of all right to find fault with the exclusive spirit of Rome.

As to the Athanasian Creed being "a human *exposition* of the great mysteries of Christianity," you must forgive my telling you, that if you had taken the trouble of acquainting yourself with the nature of that formulary, you would not

* Con. Trid. Sess. 22. Can. 9.

have thought it a fit subject of sneer or banter. The Athanasian Creed is not an *exposition* of any mysteries; it does not aim at any thing so absurd. But it *states* the fundamental doctrines of the Gospel; and in respect to the doctrine of the Trinity, accompanies the statement with certain distinctions, which were rendered necessary by the attempts of Heretics to corrupt the doctrine itself, by their own daring innovations. It also accompanies its statement with denouncing the awful sentence on unbelievers, which our Lord himself denounced, when he gave to his apostles the solemn charge to go and preach the Gospel to every creature, "he that believeth not shall be damned."

You will perceive, therefore, that the main question respecting the Athanasian Creed is, first, whether its doctrines be true; secondly, whether they be fundamental. The Church of England holds them to be both true and fundamental, and therefore scruples not to receive and use the Creed, notwithstanding the strong terms in which the danger of unbelief is there set forth.

Now, Sir, our complaint against the Church of Rome is, not that it excludes from Salvation those who impugn doctrines which it thinks fundamental, but that it holds as fundamental

one particular doctrine, which requires the belief, under pain of damnation, of every thing else whatever which it shall choose to prescribe; I mean the infallible authority of the Church. This one tenet enslaves the minds of those who hold it; or, at any rate, it makes them unfit to legislate for any other Church. For it teaches them to regard that Church, as leading its members to perdition. In respect to our own Church, the Protestant Church of England and Ireland, it is admitted to be either an integral part, or an inseparable adjunct, of the *present* Constitution of this Kingdom. The writ of Summons to Parliament expresses now, as it did of old, *one of the principal ends of holding it to be, to consult for the safety and defence of the Church of England.* We say, therefore, that those who believe that this Church leads its members to damnation, as they cannot, with a sound conscience, consult for its safety and defence, cannot, on the principles of the British Constitution, be entrusted with the legislative powers of the state.

This, Sir, is the argument for excluding Roman Catholics from Parliament, which we found on their doctrine of exclusive salvation; and you will, I am sure, perceive, that it remains

completely untouched by your pleasant commentary on the Athanasian Creed.

A more plausible answer is sometimes suggested, that whatever be the doctrines of the Roman Church itself, its lay members, those at least who would be likely to sit in Parliament, will trouble themselves very little with theological points, but will suffer all questions respecting the Church to go on pretty much as they do at present. Sir, I certainly will not insult the members of a different communion, by speaking, or thinking, so ill of them, as to suppose, that, if they hold the doctrine of their Church in this particular, it will be perfectly inoperative. On the contrary, those who really hold it, must feel every inducement and temptation to act upon it; their spiritual instructors will be ready enough to apprise them of this duty, and their own passions will make them very willing to acquire the merit of obeying it. In a Church which keeps so accurate a ledger of each individual's merits and demerits, and allows so large a premium on acts of obedience to itself, we may be quite sure, that there will be no want of inclination to comply with so easy a demand.—It may be said, however, that there are many professed members of the

Church of Rome, who do not hold this doctrine, whatever their Church may tell them. I really believe, that there is much truth in this observation; and if you could ascertain correctly, who these are, I, for one, should not be afraid of seeing such men in Parliament. But, in the meanwhile, it is quite idle to speculate on the possible conduct of these mere *entes rationis.*

That I have not too strongly stated the sentiments of the Church of Rome, even in England, respecting the spiritual state of the members of every other Church, especially of our own, I shall beg leave to demonstrate by one or two examples. Mr. Gandolphy, one of the most learned and eloquent divines of his Church in modern days, published, about twelve or fourteen years ago, four volumes of sermons, which received the highest praises from the See of Rome, and were *authoritatively* pronounced worthy to *be* "*cased in cedar and gold.*" From them I select the following passages:—"*We* "*deny holiness* and theological virtue to all "sectaries, because they want these first prin- "ciples of piety and virtue, and constitute pri- "vate reason and judgment the motive and the "rule of every moral action." "On all and "each of the members of Protestantism, you "may write *schismatical.* I will not attempt a

"comparative review of their distinguishing "defects; this one noxious property, which "they all inherit, absolutely vitiates what is "otherwise good and fair, and not a fruit can "they produce, however inviting in form and "lustre, which is not of this schismatical qua-"lity."* "Even the Church of England, "which is the eldest of her heretical sister-"hood, is a schismatical branch, *a dead limb of* "*the true vine, a rebellious child.* My brethren, "until the Reformation, the English Church "formed a great branch of the Catholic Church "of Christ, and in that quality she communi-"cated with all the other churches of the world "in communion with her. She was a limb of "the true vine, and, abiding in it, brought forth "much fruit. She shot her tendrils into every "corner of these islands, and every cluster gave "delight to the husbandman, because he saw "that it was his own vine,—the vine that he "had planted. But having been severed by "the destructive hand of schism, *with a hateful* "*eye* he now views the sickly sprouts, which "issue from its fallen, crushed, and broken "branches. As the branch, he says, cannot "bear fruit of itself, unless it abide in the

* Vol. ii. p. 75.

" vine,—so *this* shall wither, and they shall " gather *it* up, and cast *it* into the fire, and *it* " shall burn."*

I will now give some specimens of the devotions of the faithful, formed on these doctrines. In " A Manual of Prayers, and other Christian " Devotions, by R. C. D.D. Booker, 1800," I find the following instructive and interesting particulars, " Morning Prayer for Wednesday," p. 147.

The Litany of Intercession for England.

" O! God the Father," &c.—" Holy Mary, " Queen of Angels, *whose powerful intercession* " *destroys all heresies*, pray for England."— " From the dangers most justly threatening our " sins, deliver England, O Lord. From the " *spirit of pride, rebellion, and apostasy*, deliver " England.—From the spirit of hypocrisy, *pro-* " *phaneness, and sacrilege*, deliver England."

" O Eternal God, who in *this great deluge of* " *heresy*, which wholly overflows and almost " covers the face of *this land*, hast vouchsafed " to select a small number for thyself, and save " them in thy holy ark from the common in- " undation: we praise and glorify," &c. p. 153.

* Vol. i. p. 368.

A Prayer for the preservation of the True Church.

"O, Lord, who can abide it? what heart so "stony, as to forbear weeping and lamenting "for them, who are thus blinded, and *daily mis-lead others into the pit of heresy and eternal* "*damnation.*"

A Prayer when the Church is Afflicted.

"O, God, *the enemies of the Church are entered* "*into thy inheritance*; they have defiled the "temples dedicated to thy honour." "We "are become a reproach to our neighbours; "they despise and make a jest of us." "Why "dost thou so deliver us into the hands of our "adversaries?" "Be mindful, O Lord, of thy "holy Church, and leave it not in the hands "of thy enemies, but *deliver it by thy strong* "*power.*" "*Awake, O Lord God, delay no* "*longer*, but come to succour thy people, make "haste to help thy faithful servants, and *save* "*us from the hands of our enemies, &c. that we* "*may have a little taste of the sweetness of thy* "*promises, which our forefathers have so abun-*"*dantly experienced.*"

Sir, you will readily believe me, that I do not complain of these prayers; they accord

with the feelings of persons who hold the principles of the Church of Rome; I only mean, that those who hold principles, which produce such feelings, are not quite fit to be entrusted with the power of legislating for our schismatical, heretical, and, as they conceive, damnable Church.

If I were to inquire into the expression of the feelings of Roman Catholics in Ireland, on the same subject, it cannot be doubted, that stronger language of detestation and abhorrence would easily be found.—But I forbear.—I will only exhibit one specimen which falls under my notice while I am thus writing to you. Dr. Doyle, who swore before the Committee of the House of Lords, that he had a higher respect for the Established Church, than for any other body of Christians separated from the Church of Rome, has just expressed himself, in his Letter to the Earl of Farnham, in the following handsome terms toward it. "When men gaze for a considerable time at "the *most hideous monster*, they can view it with "diminished horror; but a man of reflection, "living in Ireland, and coolly observing the "workings of the Church Establishment, would "seek for some likeness to it among *the priests "of Juggernaut, who sacrifice the poor naked*

"*human victims to their impure and detestable idols.*"

The immediate exciting cause of this rabid fury in your favourite divine was the recent procedure at Cavan; it has had the effect of absolutely dementing him; unless, indeed, he is influenced by a sort of perverted pride, which makes him eager to show to the world how much will be endured in him, before he is cast off by you and his other liberal friends in Parliament. For myself, when I see in him the fallen spirit of the Church of Rome, thus venting its impotent malice against that Reformed Church, to which, in its own despite, it is compelled still to look up with respect and honour, I am reminded of another address on an occasion not totally dissimilar:

"To thee I call, but with
No friendly voice, ——————
—————— to tell thee how I hate thy beams,
That bring to my remembrance from what state
I've fall'n, how glorious once, ——————
Till pride and worse ambition threw me down,
Warring in Heav'n against Heav'n's matchless King!"

III. I proceed to another of your arguments.

"The doctrine of ABSOLUTION had also occasioned much objection. In the abstract,

"that doctrine was *absurd*."—I trust, Sir, that you meant to confine your censure to the extravagant doctrine of the Church of Rome; not to extend it (as your words seem to imply) to absolution generally; for if the latter were intended, I am bound to tell you, that, in the plenitude of your parliamentary privilege, you have presumed to visit with your ban, one of the most solemn acts and declarations of our blessed Lord himself. After his resurrection from the dead, when "all power had been "given to Him in heaven and in earth," He conferred on his apostles, and in them on their successors to the end of time, the power of absolution, soberly and soundly understood.

"In the abstract, that doctrine was absurd; "but the evidence before the Committee of the "House of Lords went to prove, that the abso- "lution depended *on the disposition of the party*, "and not on the abstract power of the party "giving it."

Sir, it is not easy to restrain my pen within the bounds, which I would wish to prescribe to it, when I reflect either on the foul deception practised in this particular by the Roman Catholic bishops upon Parliament, or the deplorable facility with which you, and men like you, permitted yourselves to be duped by

them. The real doctrine of the Church of Rome is this, that no disposition of the penitent, not even the deepest and most perfect contrition, will obtain for them absolution of their sins, without the serious purpose of having recourse for it to their priest. In that case, and in that case only, (of their perfect contrition, and their serious purpose of confessing to the priest and seeking his absolution,) the actual interposition of the priest is not necessary.

But consider how small a part of the way this carries us. The penitent may not judge for himself, whether his (*contrition*) *be perfect*: before he can have the comfort of knowing this, he must go to his priest, and receive the glad assurance from his mouth.

The main mischief, however, is, that perfect contrition is not necessary. Imperfect contrition (consisting, for instance, of the fear of hell, the absence of the will of sinning, and the hope of pardon) are sufficient, *with absolution*, to wipe out all past guilt, and to ensure to the sinner his future admission to the everlasting happiness of heaven. Need I say what temptation to sin such a doctrine holds out? above all, what ruinous security of mind, what callousness of conscience, under the most aggravated

guilt, must be its practical result? That it has not its full effect in countries where better principles prevail, and the purer faith of the nation at large controuls and chastens the influence of the worst corruptions of the Church of Rome, may make those who live in such countries slow to credit the enormous extent of mischief produced by it, when suffered to have its full and unmitigated sway. But turn to the evidence before you, seek the truth, not in the "goodly glozes" of Dr. Doyle, but in the testimony of a man, who has no interests of an established Church to bias his judgment, or, if you will, to impair his credit,—of one, who has no interest whatever in the question, except the highest indeed, but that which is least likely to mislead him, the general interest of religious truth and liberty—turn to the evidence of Mr. Burnett, a dissenting minister, resident at Cork, and let him tell you what he has himself seen and known. "*No Roman Catholic of the lower* "*orders,*" says he, "*has any dread of final per-*" *dition. I have spoken with them frequently on* "*the subject, and never found one of them that* "*supposed he could go to hell.*" "*The confidence* "*of the people in their absolution,* which follows "confession, is such as completely to *destroy in* "*their minds any fear of future punishment.* I

"I have found this to be the case generally; and
"in cases where they are convicted in courts
"of justice, they very seldom show any thing
"like a feeling sense of their situation; which,
" I conceive, arises solely from the conviction,
" that the absolution enjoyed at the hands of
" the priest will do every thing for them. I
"*have, myself, thirty-five individuals in the*
"*dock together, sentenced to death, and I could*
"*not perceive the least degree of emotion in conse-*
"*quence of the pronouncing of sentence, all which*
"*I attributed to the confidence placed in the absolu-*
"*tion of the clergy.*"*

Sir, I will not stop to confute your feeble attempt to prove that our own Church holds the same doctrine, with that of Rome, on this subject. That I have sufficiently done in former publications: but I will once more ask you, whether you ever knew a single instance, in which the absolution of the Church of England has been perverted to the same mischievous purpose as that which is proved to be the ordinary effect of the absolution of Romish priests upon the populace of Ireland? If you have not, does it become any judicious statesman, in the greatest practical question which can be pro-

* Evidence before Lords, p. 470.

posed to the deliberation of parliament, to argue on the supposition, founded or unfounded, of a mere theoretical accordance of the two Churches, while the practical results are so totally dissimilar?

IV. I turn to your fourth topic.

"The next objection—and it was one which "he could not expect to have heard—was, "that the Roman Catholics attached an over-"weening value to the merits of good works."

Sir, I will boldly venture to assert, and to appeal to your own better recollection for the truth of the assertion, that you never yet met with man, woman, or child, quite so silly, as to advance this objection, which you are pleased to honour with a most grave, laboured, historical, theological,—and (need I add?) triumphant reply.

But how, it may be asked, can so portentous an hallucination have come over you? I will here hazard a conjecture. It is not improbable, that in the course of your morning's reading, preparatory to a debate which was to crown your other high distinctions with the honours of a dilettanti degree in divinity, you happened to find, that one of the charges, sometimes brought against the Church of Rome, was the

excessive value ascribed by it to the works of man. This theological objection you hastily mistook for a political one! And how was it to be treated? A man of ordinary genius would have been content to say, that however erroneous the tenet might be, its obvious tendency is, to render those, who hold it, good and useful subjects;—that it is the height of injustice, therefore, to make it, in any degree, a plea for abridging their political privileges. But this was very far from satisfying your aspirations. You aimed at higher glory, than a dull matter-of-fact argument, however convincing, could bestow. You were pleased, therefore, to contrast the alleged error of the Church of Rome with what you, I doubt not, seriously believe to be a notion of the modern Calvinists. "Would it not, you say, be more "dangerous to a state to make *good works* "*nothing*, and faith every thing? I prefer the "man, who insists on the necessity of good "works as part of his religious creed, to the "man, who *considers himself controlled in all* "*his actions by an inexorable fate.*"

To the peculiar tenets of that denomination of Christians, to which you appear to allude, I am very far from subscribing: but thus much I will say, that no man, who knows what they

really are, will ever treat them with contempt. You, Sir, do not appear to have yet risen above the vulgarest prejudices on this subject: else, you would have known, that opinions which have commended themselves to the full and firm conviction of some of the ablest, as well as holiest, men who have ever adorned our Church, are not to be thus blown down by "the whiff and wind" of the smartest piece of rhetoric ever discharged in your honourable House.

But it may be said that you were not speaking of modern or sober-minded Calvinists, but of the wild opinions of the fanatics in Charles's time. "Refer to history, and see what it teaches on "the subject. Who were they who brought "the monarch to the block? Who stripped "episcopacy of the mitre, and of all its spiritual "authority and temporal possessions? The "Papists? No: but they who were most "violently opposed to them."

Your argument now stands thus; because great mischief was inflicted on our Church and nation by one set of madmen two hundred years ago, therefore it is unjust or foolish, or both, to guard against the avowed hostility of another class of enemies in our own days—because the Dutch fleet burned Chatham in the

seventeenth century, therefore none of our dock yards ought to be protected against a French fleet in the nineteenth.

I am afraid, Sir, we gain but little by this improvement of the argument. Leaving, therefore, this very favourite piece of eloquence (for so the cheers which attended it prove it to have been) to the satisfaction of yourself and the admiration of your hearers, I will remind you of a real political objection against the Roman Catholics, founded on the value they attach to good works—but then it is to the good works of others, not their own—and consequently it has no tendency to improve either their loyalty or their morals. On the merit of the supernumerary satisfactions of departed saints, the doctrine of indulgences—remissions, that is, of the pains of purgatory—has been built. These indulgences have often been employed in Ireland as means to stimulate and reward the disloyalty of the people to their heretical sovereigns. So late as the reign of George II., it is recorded in the Journals of the Irish House of Commons, that money was raised by them for the express purpose of raising a force to expel the reigning family, and restore the House of Stewart. It is true, that some member of the late Com-

mittee affected to consider the statement as of no authority, because the same House of Commons had passed the well-known resolution against the agistment tithe!—as if one act of injustice, not only vitiated all their other acts, but threw discredit on all their records. I am happy, however, to be enabled to confirm the truth of this record by independent testimony. De Bruys, a contemporary Roman Catholic historian, in his Life of Benedict XIII.,* says that that Pope, on the death of George I., "ordered public prayers, and *granted indul-* "*gences for the success of the enterprise of the* "*Pretender.*" But enough of this.

V. I pass with you to a matter of higher importance, "Neither do I see any valid ob- "jection," you say, "in the argument drawn "from the belief in the spiritual supremacy of "the Pope. The question is not, whether it is "acted upon by the (Roman) Catholics, but "whether it is acted on in such a way, as to "make it dangerous to the state." You then proceed to a lengthened vindication of the injured honour of Dr. Doyle, and take occasion to pronounce upon him a panegyric, which I

* Hist. des Papes, v. 558.

am quite sure we shall never hear from you again. That divine has, indeed, been lately pleased to spare both friend and foe all further trouble about his character: he has settled that matter for himself; and it would henceforth be

> "with taper light
> To seek the beauteous eye of heaven to garnish,"

if any one else were to attempt to illustrate what he has made so very clear.

But, Sir, the argument of Supremacy must, I fear, detain us a little longer than I could wish.

Much confusion often arises on this point, from not sufficiently bearing in mind the very different foundations of papal authority, which are recognized in different countries. The French look to the councils of Constance, Pisa, and Basil, not only as truly œcumenical, but as having so fixed the superiority of councils over the Pope, and in other respects so limited his power, that not even the decrees of subsequent councils, much less the constitutions of Popes themselves, can work any material change in the principles there established. But besides this general security, they procured for themselves what was called "the pragmatic sanction," which recognised on the part of

Rome a very large measure of independence in the Church of France; and though this pragmatic sanction was afterwards displaced by a less favourable instrument, the concordat between Francis I. and Leo X.,—still the result has been the establishment of so strong a barrier against the worst usurpations of Rome, that the liberties of the Gallican Church have formed a proud exception to the general state of spiritual bondage, in which other countries of that communion have been all, more or less, enthralled. For by the rest, the acts of the councils, which I have mentioned above, (excepting the decrees of Constance against heretics,) were all rejected; and in their place the decrees of the Council of Florence (which was held by Eugenius IV. at the same time with the Council of Basil, and in express opposition to it) were universally received. Now, the Fathers of Florence ascribed so large and sweeping an authority to the Pope, that the French have not only uniformly refused to recognise this council as valid, but when at Trent there was an attempt to obtain the re-enactment of the Florentine Decree, the Cardinal of Lorraine and the other French prelates positively declared, that they would quit the council,

and protest against its decrees, unless the measure were abandoned.

From this statement it will appear, how very fallacious it is, to quote, as is often done, the language of French jurists or divines, in particular the famous declaration of the clergy of that church in 1682, as authority for the doctrine of Roman Catholics in other countries on the supremacy of the Pope. To the latter, the following decree of Florence is the known and recognized standard of orthodoxy on this point. "We define, that the Holy Apostolic See, and "the Roman Pontiff, have a primacy over the "whole world, and that the Roman Pontiff "himself is the successor of St. Peter, the "chief of the Apostles, and true Vicar (or Representative, Τοποτηρητης) of Christ, and that "he is Head of the whole Church, and the "Father and Teacher of all Christians; and "that to him in St. Peter was delegated by "our Lord Jesus Christ full power to *feed, rule, "and govern* the universal Church; as also is "contained in the acts of general councils, and "in the holy canons."

On the authority of this decree, it is not wonderful that the most inordinate extent of power has often been claimed by the Popes,

and too often conceded to them. It is admitted by those who are most eager to soften the harsher features of the papal system, by Mr. C. Butler in particular, that the ultramontane doctrine, as it is called, the assertion of the Pope's right to supreme power, whether direct or indirect, in all the temporal concerns of states, the power of deposing sovereigns, of interfering with the rights and duties of subjects, may here find apparent support. That doctrine is not contradicted by any ecclesiastical authority; it is favoured at Rome;—and, everywhere else, it is tolerated by those who do not assent to it. We may be astonished at this; we may think it impossible for any, who dissent from a doctrine so pregnant with crime and mischief of the most gigantic kind, to esteem it worthy of toleration and endurance. But so it is: individuals may disclaim the doctrine for themselves, but, as we have already seen, they are not permitted to condemn it as contrary to religion.*

* Isaac Barrow expresses himself on this matter in the following unanswerable terms. "No man, apprehending it false, "seemeth capable with good conscience to hold communion "with those who profess it: for upon supposition of its falsehood, the Pope and his chief adherents are the teachers and "abettors of the highest violation of divine commands, and the

In England there are, I doubt not, few individuals who persist in holding it; but that in Ireland there are millions, who, if their priests will teach it to them, are most ready to receive it, is unhappily a point equally clear. And what security have we, that the priests will forbear to teach it? If there be none, I think, Sir, that even you must admit, that this wide and indefinite tenet of the Pope's Supremacy, is both a valid and a strong objection against making further concessions to those who hold it.

But the case rests not here. History for centuries past proves, that while in England the more extravagant notion on this subject was gradually losing its hold on every class of the people, it did in fact retain its ground in

"most enormous sins, of usurpation, tyranny, imposture, per-
"jury, rebellion, murder, rapine, and all the villainies compli-
"cated in the practical influence of this doctrine. It seemeth
"clear, as the sun, that if this doctrine be an error, it is one
"of the most pernicious heresies ever invented, involving the
"highest impiety, and producing the greatest mischief. For,
"if he that should teach adultery, incest, simony, theft, mur-
"der, or the like crimes to be lawful, would be a heretick;
"how much more would he be such, that should recommend
"perjury, rebellion, regicide, (things inducing wars, confu-
"sions, slaughters, desolations, all sorts of injustice and mis-
"chief,) as duties? How then can any man safely hold com-
"munion with such persons?"—*Treatise of the Pope's Supremacy*, Introd. s. 6.

Ireland. Up to a very recent period, it has been maintained and acted upon there. Nay, at this very hour, by far the most shameless and audacious claim of papal power ever made, is admitted as a genuine and valid decree, even by the Class-Book at Maynooth,—I mean the Bull of Boniface VIII. called Unam Sanctam.*

This Bull, among other extravagancies, attributes to the Church, and the Pope its head, "two swords, the spiritual and the temporal— "the former to be used by the Church, the latter "for it: the former by the sacerdotal, the latter "by the regal and military hand, but at the nod "and sufferance of the priest:—as Jeremiah says, "*Lo, I have set thee, this day, over nations and "kingdoms.* Therefore if the earthly power go

* Of this Bull, Dr. Doyle, Essay on Catholic Claims, p. 38, says, "that it never received the assent of the Church," and yet it was not at all resisted out of France! "that it was re- "called by Clement V. (see Extravag. Meruit,)" and yet this very authority which he cites, instead of recalling, *recognizes* the Bull, while it grants, as a *particular privilege to France*, that no prejudices thence should arise to that kingdom or its sovereign. "Meruit charissimi filii nostri Philippi, &c. sinceræ affectionis ad nos et Ecclesiam integritas;—meruit insuper regnicolorum puritas, &c. ut tam Regem quàm Regnum favore benevolo prosequamur. Hinc est, quòd nos Regi et regno per definitionem et declarationem bonæ memoriæ Bonifacii Papæ VIII., quæ incipit Unam Sanctam, nullum volumus vel intendimus præjudicium generari."

"wrong, it shall be judged by the spiritual;
"but the supreme power itself, by God alone.
"Moreover we declare, define, and pronounce,
"that *it is altogether a point necessary to salva-*
"*tion, for every creature to be subject to the*
"*Roman Pontiff.*"

This Bull, I repeat, is at this day held to be valid by the Class-Book at Maynooth; but in order to escape from the consequence of thereby establishing the direct power of the Pope in temporals, it says, that "*by the special Provi-*
"*dence of God,* though in the recital Boniface
"had throughout spoken of the temporal power
"of kings being subject to the Church, yet,
"when he came to the defining and decreeing
"part of the Bull, he abstains from specifying
"temporals, and says, in general terms, to be
"*subject* to the Roman Pontiff, which," it is added, "every Catholic admits *in spirituals.*"*

Such then is the doctrine now taught to the students who are training in the College at Maynooth for the ministry in Ireland, and those among them who shall follow their own common sense, (which, be it remembered, they are, in this particular freely permitted to do,) and shall understand the Bull of Boniface accord-

* Tract. de Ecc. p. 266.

ing to the plain meaning of the words, and the confessed intention of the writer, will here find a complete and infallible authority for preaching the supreme power of the Church in temporals in its fullest extent.

But supposing that matters be not carried so far, let us see what is necessarily connected with the Supremacy of the Pope even in spirituals. The decree of Florence calls him the Father and Teacher of all Christians, and ascribes to him the power to feed, and rule, and govern the universal Church. He must, therefore, have a real and substantial jurisdiction, and authority, in every part of the Church, "a right," as Dr. Milner expresses it, "of addressing his doctrinal instructions and ecclesiastical mandates to every portion of the Church; which mandates do not derive their authority from the acceptance of such portion of the Church; but if they are not opposed by the Church at large, they are to be received as coming from Christ himself."*

Among other instances of the exercise of this right, was the Bull Unigenitus, of which I have already said something; but it is necessary to make one or two remarks upon it here.

* Eccl. Dem. detected, p. 98.

"It is well known that the publication of this Bull, was only one of a series of measures devised at Rome, to counteract the effect of the Gallican Declaration of 1682. The condemnation of the 91st Proposition, which has been above noticed,* was designed to bring the whole Church into the closest subjection to the Pope: for with this weapon he could annihilate, at his pleasure, all the obligations imposed by any laws, natural or divine. The great majority of the clergy of France were eager to concur with the Pope. Louis XIV., enfeebled in mind and body, was carried by his superstitious terrors, and by the influence of the Jesuits, into the same course. But the Parliament of Paris, to their immortal honour, refused to register the letters-patent accepting the Bull, without at the same time making an express provision, *inter alia*, against the obvious meaning of that part of it, which relates to excommunication. "The arrêt of the Parliament, 15 Feb. 1714, "enregisters the letters-patent and the Constitution Unigenitus, but without approving "some of the decrees, not received in this "kingdom, enounced in the Constitution, &c.

* See above, p. 50. The 91st *condemned* Proposition is, "That the fear of an unjust excommunication ought not to "deter us from doing our duty."

"and without permitting that the condemna-
"tion of the propositions which respect ex-
"communication shall prejudice the maxims
"and usages of the said kingdom, or that, under
"pretext of the said Constitution, in points
"respecting the fidelity and obedience due to
"the king, the observance of the laws of the
"state, and other real and certain duties, the
"fear of an unjust excommunication shall be
"suffered to hinder the subjects of the king
"from performing them."

Now, Sir, this, I contend, and I am sure you will agree with me, is not an *explanation* of the Bull, as is intimated by Dr. Murray,* but a *protestation* against it in those particulars in which it is inconsistent with the independence and safety of every government. It shows, that its obvious meaning was known and felt to be also its real meaning at the very time of its publication. And yet, in Ireland, this Bull, so pregnant with mischief, so ready an instrument of subjugating every one who admits its authority to the absolute dictation of his spiritual guide, is received and acknowledged without limitation or exception.

But the Bull Unigenitus was not the only

Commons, p. 648.

measure adopted at Rome to further its designs. The legend of St. Gregory VII. was another expedient; but this was so shameless and abominable, that it was universally* scouted on the continent of Europe, and found a refuge only in the land of Saints. There *every Roman Catholic Priest is bound, under the penalty of mortal Sin*, to read with due devotion the holy lessons of the day, containing the narrative of this heaven-born avenger of the Church's rights, this puller down and setter up of kings, to thank God for having given such a scourge to the world, and to call upon Him, in humble prayer, to grant that the "example may still "edify and strengthen the Church."

Even this is not all. About the same time (in the year 1712) the canonization of Pius V., begun long before, was finally completed. This Saint, too, is worshipped in Ireland and in England; but what were the high virtues, "the "*heroic* degree of charity" (such Mr. Butler tells us is requisite in this case) which raised him to the celestial glory, and entitled him to the thankful commemoration, nay, to the worship and adoration, of the subjects of the British Crown? My readers will scarcely believe me,

* It has since been admitted into the Spanish Breviary.

when I say, that it was, among other things, his "unhesitating zeal in striking with his "dread anathema the impious heretic Eliza- "beth, the pretended Queen of England, the "slave of shameful vices, as a Heretic, and the "favourer of Heretics, absolving her subjects "from their allegiance, and depriving herself, "by Pontifical authority, of her pretended right "to the throne of England." These things are expressed in these very terms in the Bull of Canonization; and the Bull, moreover, commended the example of Pius as an object of *imitation to every Bishop.*

Sir, I must think that a claim to supremacy, such as this, acknowledged and acted upon by all the ecclesiastics in communion with Rome, —entering into, and directing, their devotions —hallowed by association with all that is most sacred in their religion,—is not a matter to be treated with contempt.

But there yet remains an observation on this point too important to be omitted. No Englishman will deny, that cases may be put, when, in the exercise of the most awful responsibility that can be incurred, subjects are bound by their duty to God, to themselves and their posterity, to rise against their lawful sovereign, and assert those rights which tyranny would annihilate.

Now, the doctrine of the Pope's supremacy tells us, that the power of determining when this awful moment is arrived belongs to the Church. Such not only was the language of Allen,* and others, but it is the language of living Roman Catholics, especially of one of the most truly liberal of his communion; one, who viewed the tyranny and usurpations of the Pope with abhorrence, and whose manly resistance to the arrogant pretensions of the modern Church of Rome, drew down upon him the indignation and censures of his superiors,—I mean Dr. O'Conor: even he (and if he, all

* "What, after all, was that deposing power, with the "mention of which we are so much stunned, and the assuming "of which is supposed to be of such a heavy charge against "our early Divines? Did these learned men ascribe to the "Pope a higher civil, or temporal, authority in the kingdoms "of other Princes? This is what Protestants and ill-instructed "and prejudiced Catholics suppose. But this is a gross error." "What then did they say, except what all Protestants have "said, that a manifest grievous persecution of the community, "for conscience sake, is an intolerable act of tyranny? The "whole difference is, that the Catholics of those times, instead "of deciding for themselves on so important and conscientious "a business, as Protestants in general claimed a right to do, "only then judged the case lawful, when an impartial and "equitable arbiter, the Ecclesiastical Superior decided that it "was so, as Cardinal Allen argues."—*Eccl. Dem. detected*, p. 197.

others, we may be sure,) affirms a principle directly tending to the violation of the sworn duty of the subject, and to the dependence of the Crown on the decisions of a foreign Pontiff. Thus he writes:* "There is but one difference "in this respect between the genuine doctrine "of Catholics and Protestants, and that is ex- "plained by an historical fact, applying to the "obligation of an oath. If oaths were to be "immutably and eternally binding, there never "could have been a Revolution in England "without perjury; for all magistrates and offi- "cers of the army and navy had taken the "Oath of Allegiance to James II. But there "is a time when oaths *cease to be binding*, and "when that time comes, the Protestant declares "himself dispensed from their obligation. That "time did come, when James's tyrannical "government rendered that government into- "lerable to the English people, and then the "officers of the army and navy declared "themselves dispensed from the obligation of "their Oath. Now, in similar circumstances, "a Catholic officer would pause. True, he "would say, it appears to me, that I am now "acquitted from all obligation of allegiance;

* Columbanus, No. I. p. 26.

"but perhaps I judge too favourably in my "own cause, and *I will submit it to the judgment "of the Church,* whether I am, under these cir- "cumstances, absolved from my allegiance, or "not. The Church then only pronounces us "absolved from our oaths, when their obliga- "tion has already ceased." (But then *the Church* has authority to *pronounce* that their obligation has ceased: and this, in truth, is the marrow of the whole.) "No Pope, no Council, "can *absolve* or *dispense,* so long as the nature "and *circumstances of the Oath are the same.*"

Now, Sir, can any government be safe, if its subjects are thus at liberty to apply to any authority, foreign or domestic, to ascertain whether, and when, their duty of allegiance has ceased? Certainly, the danger is not lessened, but greatly increased, by that authority being ecclesiastical; for a sacredness is thus thrown about it, which makes its responses infinitely more venerable and convincing, than any merely human sanctions could ever give. But the consideration of greatest moment in the account is this—that there is a specific quarter, to which resort may be had for the solution of the doubt. This must facilitate the application for the solution, and still more must facilitate and encourage the growth of the doubt itself. Where the

conscience of the individual must decide, if he be indeed conscientious, he will, of course, be so deeply impressed with the sacredness of the obligation, under which his oath has laid him, that he will be eager to keep down every nascent surmise unfavourable to his sworn allegiance:—nothing but the strongest and most palpable case of tyranny will overcome his honest scruples. But if there be an Ecclesiastical Superior, who can authoritatively pronounce on the validity of his surmise, he feels himself quite at liberty to give it a full and free vent:—to communicate it to that superior, and in communicating to set it forth in the strongest colours, and so to confirm and augment its native force. Besides, if there were no external quarter to which to have recourse for solution of such doubts, every individual must be inclined to keep them to himself, until the case be of so grave and overpowering a necessity, as to unite the whole mass of the people in one common feeling.

On all these, as well as other accounts, the doctrine of the Supremacy of the Pope is one which must make every wise legislature, particularly every Protestant legislature, cautious how they increase the power of those who hold it. And can this seem of little moment, when

Irish Roman Catholic Bishops—who, to the mass of their people, must appear to speak with authority scarcely less sacred than that of the Pope himself—are describing an intolerable tyranny as even now exercised by the Government of their own land?

VI. Would that we heard such sentiments from them only! Is it possible, that you could deliberately permit yourself to give the high sanction of your example to language so violent and inflammatory? that you should be one of the prime instigators to insurrection and rebellion? Sir, I ask these questions, because if there be any one cause, which, more than another, will justify resistance to established Government, it is religious persecution—yet this is precisely the act of tyranny, which you are pleased to lay to the charge of the Government of this land.

"It was said, as another objection to the "concession of any political power to the "(Roman) Catholics, that they were, in Ire- "land, under the guidance of men whom they "regarded with veneration bordering on ido- "latry. He admitted the fact; but he laid "the blame on another quarter. If they were "idolatrous in their devotion to their Priests, "we were to blame; if they bowed down be-

" fore Idols, it was our *persecution* which set " them up." Sir, I hold it extremely unfair, to weigh in very nice scales the words which an orator may let fall in the ardour of debate, and under the impulse of excited feelings. I should be ashamed of myself, if I could catch at a single insulated phrase, however intemperate, and make it the subject of captious criticism, much more of affected indignation. But, unhappily, in the present instance, there is nothing in the whole course of your speech to redeem the imprudence of this most dangerous expression. On the contrary, there is much to aggravate its mischief, and to give to it the air of genuine and deliberate choice. " Could " it be expected," you demand, " that the " Catholics would rest contented under the " stigma of their present numerous political " disabilities? Was it to be imagined, that " they would go about without repining at " *those badges of degradation which the penal* " *code hung about them?*" " Could Ireland be " allowed to remain in her present state; or " would it be wise, or politic, to call on her to " bow down and worship *that Constitution from* " *the benefits of which she was excluded?*"

Charges such as these, idle, and, I had almost said, contemptible as they are in them-

selves, acquire a real and grave importance, when it is remembered from what quarter they proceed. I must, therefore, submit to the mortifying task of defending our Laws and Government from the reproaches with which you are pleased to vilify them. I shall do this, not by argument—that would be too mortifying,—but by testimony, the testimony of those whom you have held forth to us, as the miserable victims of oppression and persecution.

Dr. Troy, in a pastoral letter dated Dublin, 25th May, 1798, makes a warm and handsome eulogy on the large share of civil, political, and religious rights with which the Roman Catholics were now legally invested. But another prelate, Dr. Moylan, expresses the same sentiments so much better, that I would prefer making use of his words. "I would have "you," says he, addressing the Roman Catholics of his diocese, Cork, 16th April, 1798, "I "would have you not unmindful of the blessings you enjoy, and the favours you have received: certain privileges excepted, *you possess the advantages of the Constitution. The penal laws*, under which our fathers groaned, "*have been almost all done away.*" (Really this is by anticipation an answer to the very letter of all you have thought fit to say on this subject.)

"You have the comfort of exercising your holy "religion without controul; and to the be- "nignity of government and the liberality of "Parliament, we are indebted for the establish- "ment and endowment of a Roman Catholic "College, on an extensive plan, which will "afford a liberal education to our youth, and "a supply of clergy to our Church, when the "present generation have finished their career." (Horrible persecution!) "*These are favours* "*that should excite and call out all our gratitude;* "and this gratitude we should evince by *a* "*steady attachment to the Constitution* and un- "shaken loyalty to our gracious Sovereign,—a "sovereign, who has done more for the Roman "Catholic Body, and, indeed, for this kingdom "in general, than any or all of his pre- "decessors."

You, Sir, will not be able to read language such as this, without deploring the lamentable degradation, to which the existing penal code had thirty years ago reduced its victims; they were, it seems, so far debased by it, that they could even hug their chains, and fancy themselves happy, till Mr. O'Connell, and Mr. Cobbett, and Mr. Canning, (have we lived to witness the association?) in the overflowing torrent of their benevolence, have kindly assured them

that they are perfectly miserable. To call on Ireland to value the Constitution, in her present state, is, according to you, "to suppose "her either utterly incapable of appreciating "the benefits of *emancipation*," (shade of William Pitt! does he who calls himself your disciple, dare so to abuse that word?) "or altogether "unworthy of it." And yet, Sir, so late as the 16th of March, 1821, you were yourself so insensible to the wrongs of that injured country, that you could thus speak of the condition in which the laws have placed her. "From that "time, (1774) the system was progressively "mitigated, until the year 1793, which *crowned* "*and consummated the gift of civil liberty, and left* "*only political concession imperfect.*"

But why do I dwell on the testimony of words—even your own recorded words,—to confute this unseemly charge against the laws and constitution of your country. Let me rather look to what ought to be, and, I doubt not, really is, a surer evidence of your genuine sentiments than any words can afford—I mean, the tenor of your public life.

For twelve years after the first mooting of this question in 1800, not once did we hear from you any remonstrance on the *persecution* of Ireland. On the contrary, though your

mind was made up as to the expediency of satisfying her moderate claims, under real and efficient restrictions, yet you never, during that whole period, gave to those claims even the benefit of your silent vote, but were repeatedly numbered in the ranks opposed to them. When in 1807 our late revered King, acting under the genuine influence of a righteous conscience, deprived his old age of the counsels of a ministry whose talents he could not but respect, and some of whose members he always regarded with warm and confiding attachment,—when, at that crisis of his earthly hopes and comforts, he cast himself on the love and loyalty of his people, and called on them to sustain him in the defence, as he avouched it to be, of the Protestant Religion and the ancient Constitution of his country,—you, Sir, were among the foremost to answer to his call. You gave to him the full benefit of your powerful services, and thus largely contributed to the triumph of that very cause, which you now think proper to designate by the name of persecution.

Do I blame you for this? do I cast it in your teeth? No, Sir, I honour you for your manly firmness in standing by your good old King, when he was beset with difficulty and danger, when, for the first time since the downfal of the

Monarchy in 1648, he was arraigned for his own personal acts before the tribunal of Parliament, when he could offer to his servants nothing but the prospect of an arduous and most doubtful struggle, of short-lived honours, and of mortifying, though not inglorious, defeat. That you sought the invidious eminence to which you were then raised, I do not believe; I believe, rather, that in accepting office, under such circumstances, you yielded to a sense of public duty, to that just confidence in a good cause, which "makes ambition virtue," which gives courage even to the timid, but nerves the manly spirit to a tone of vigorous and energetic action, commensurate with the high exigence which calls it forth. But, Sir, while I honour you sincerely, and from my heart, for your conduct on that trying occasion, it is only on the supposition, that, however you might differ from your Sovereign's judgment, you were satisfied that his scruple was worthy of your respect. Such it could not have been, had you deemed it to be founded on injustice and persecution. In that case, it would have been your duty to him, no less than to yourself, to have declined his services, to have remonstrated against his prepossessions, to have told him, that, while you honoured his sincerity, you were bound to warn

him of the unrighteous, and unholy end of all his solicitude.

Such, Sir, must have been your conduct, had you then entertained the opinion of this question, which you now proclaim.—You would not have waited, till your sovereign's virtual decease,—till you no longer were his minister,—to call on Parliament to perform this tardy act of justice to your *persecuted* countrymen.*—nor

* I am tempted to add the following testimony of the persecuted state of the Irish.

Mr. Grattan.—"If you want to form a judgment of the "character and capacities of Ireland, look to what she has "effected in the short space of twenty-five years. In that "short period, the people added one-third to her commerce, "increased her revenue five-fold, gave an accession of one third "to her population, and have besides acquired a *free trade, and* "*a free constitution.* These are the barbarous accomplishments "of Ireland. The Catholics of Ireland have a trial by jury—"are *admissible to all offices, but the highest offices in the state,* "but, above all, are a constituent part of the country,—these "are the rights which they possess, and these rights they "would not surrender to the kings of England, nor will they "surrender them to an enemy. These facts afford the best "proof of the highly civilized and improved state of Ireland, "and afford the *best picture of that brave people,* who have been "so cruelly stigmatized."—Parl. Deb. May 25th, 1808, p. 570.

Mr. Canning.—"The Roman Catholics of Ireland are a "loyal people; and they share with all their countrymen the

would you, as you did in 1813, have rejected every other solace of their misery, every other relief from the cruel bondage in which millions were holden, because the great and opulent few among them were refused a seat in our Protestant Legislature.

But I have dwelt too long on this—let me

"qualities of generosity of heart, and warmth of feeling, "and deep sensibility to kindness. They cannot, therefore, "but acknowledge their obligations to a sovereign, whose "reign, a contrast therein to that of his predecessors, has been "one continued series of concessions and relaxations in their "favour; and if those concessions and relaxations had arrived "at a point, beyond which not the policy, but the conscience "of the monarch would not suffer him to go, they would "surely have respected in him those rights of conscience, "which they claim for themselves," &c.

After describing the penal system—"Such was the system, "to which we gave a trial. Happily it failed, and we have "come back from this barbarous system to one of good policy "and of humanity. We have acknowledged the erroneous "severity of our ancestors, by the successive repeal of much "the greater part of the code, which pressed upon our Catholic "fellow-subjects. We have done this: and have we any "reason to repent of it? *Has not the growth of Irish pros-"perity kept pace with that of Catholic happiness and freedom?*

"I am willing to agree with you, that we have gone so far, "that *we ought not to proceed further*, without such securities, "as may be reasonably required, and as are necessary for the "preservation of our own Protestant Establishments."—Parl. Deb. April 24th, 1812, p. 1031.

turn to the consequence which you ascribe to this bitter persecution.—"It has made the "Roman Catholic people of Ireland the idolatrous worshippers of their Priests."

Sir, Doctor Moylan has told us that four and thirty years ago every thing of what he deemed persecution, even in theory, had ceased; in practice, it had ceased before. But during this long period, the power of the Priesthood has not been shaken,—till within the last few months, when another sort of persecution has commenced, a persecution which Dr. Doyle has gravely proclaimed to be more intolerable than the penal code in all its matured severity, I mean the persecution of reason, and the diffusion of the Scriptures. It its plain, therefore, that the cause, which you assign, cannot be the real one. But did you ever trouble yourself to inquire, whether there be anything in the Roman Catholic system itself, which will account for the wonderful empire held by the Priesthood over the understanding and feelings of their people, wherever, as in Ireland, that system is counteracted by no external cause, but is permitted to act with full and unimpaired activity? If not, you will not, perhaps, be sorry, to be presented with some particulars here.

I will not carry you back to distant ages, nor

harass you with a disquisition on the canons of ancient councils—my authorities shall be all of the present day, taken from books of high reputation among the living members of the Church of Rome.

"The very first principle of that Church is," that not the Scriptures of God, but "the teaching authority of the successors of the Apostles" (so it is expressed by Mr. Berington*) is "the rule of its Faith." These successors of the Apostles are, as I need not inform you, the Bishops; but you probably are not aware, that they are regarded as of *equal authority with the Apostles themselves*. Dr. Baines, Bishop of Siga, the present Vicar Apostolic of the Western District, in a sermon which he preached and published only last year, has the following passage:—"With respect to the Apostles' themselves, you will readily admit, that there was "an obligation of believing *their* doctrines. "Would any of you have ventured to contradict St. Paul to his face? to tell him, that "you did not understand the Bible in the sense "he taught, and that you had a right to explain "its meaning for yourselves? Would he have "acquiesced in your claims? Would he not "rather have pronounced upon you the anathe-

* "Faith of Catholics," &c. by Berington and Kirke, 1813.

"ma, which he declared he would pronounced "even upon an Angel from Heaven, who should "teach doctrines different from those which he "had preached? But why, let me ask, should "the Apostles be entitled to an obedience, "which is refused to their successors? The "Catholic Church believes, that the *same* sub- "mission is due to the lawful successors of the "Apostles in the first, the second, and the nine- "teenth century, as was due *to the Apostles* "*themselves*. In conformity to this doctrine, "they are held to be, in such a sense, the autho- ritative Interpreters of Scripture, that no one may follow the light of his own understanding against any of their declared interpretations. If the Church were to declare it to be accord- ing to Scripture, that an heretical monarch should be deposed, its members would be bound to believe, that such is the doctrine of Scrip- ture, though they might be unable to discern it there.

* Mr. O'Sullivan in his evidence before the Commons, p. 462, gives the following account of a conversation he had held with a Roman Catholic, gentleman of considerable intelligence:— "I said to him, suppose that the Pope and Council announced "that the King of England was a person that should be de- "posed, would you feel in conscience bound, as a Roman Ca- "tholic, to obey? He answered, certainly not, *because it would*

In accordance with the same principle, the Scriptures themselves are held to be not only no more than a part, but also by no means a necessary part, of the word of God. Thus writes Mr. Berington—"We are not at liberty "to think, that the truths preached by the "Apostles would not have remained, to the end "of the world, pure and unaltered, had it never "seemed good to any of those apostolic men; "as it did to St. Luke, to commit to writing "what they had learned."* And Dr. Milner says, "The Christian doctrine and discipline "might have been propagated and preserved "by the unwritten word, or tradition, joined "with the authority of the Church, *though the "Scriptures had not been composed.*"† As a consequence of this, "the Catholic reader will now "be sensible," says Mr. Berington, "should "any point of his belief seem to receive little "support, or even no support, from any text

"*be contrary to Scripture.* I asked, whether he or his Church "was to be the judge of Scripture, he said, his Church. Then, "I asked, *if the decree was so worded, that the Pope and Council "affirmed it to be not contrary to, but according to Scripture,* "that an heretical monarch should be deposed, how would you "act? *He admitted that he would feel himself bound by the de-* "*cree,* because it was for the Pope to judge of Scripture, and "that, as a Roman Catholic, *he should obey him.*"

* P. xiv. † End of Controversy, p. 82.

"of Scripture, that *its truth is not thereby affected*," (he must mean, the duty of believing it to be true,) "as its divine origin from Christ, and its descent from the Apostles, remain the same." If a person should conclude that "such an article rested not on authority equally strong with another, which has numerous proofs from Scripture in its favour, *he would palpably err as a Catholic.*" p. viii.

That in a country, where these principles are allowed their free sway, the Scriptures should be neglected, and in many instances utterly unknown, is only a matter of course. Mr. Donelan, *a Roman Catholic gentleman, nephew of Lord Fingal,* one of the Inspectors of the Kildare Place Schools, states in his evidence* before the Commissioners of Education, "that the peasantry could scarcely distinguish between a Testament and any other book of the same size on a religious subject; that in Connaught *the peasant does not know what a Bible or Testament is.*" "I think (he adds) we may say, *in general,* they do not understand that the Bible contains the Word of God, the History of Our Saviour, the History of the Creation, and the Redemption of the World."

* P. 488.

Another witness* informs the Commissioners, that he "had met with a great many who never "saw or heard of the Scriptures; some did not "know what he was speaking about, when "speaking of the Bible; at last they cried, Oh "yes, you are speaking about the *Black Book*. "Some of them think that *Luther was the author "of it.*" "In an investigation, which occupied "nearly three whole days, (says Mr. Gordon,†) "during which I entered as many cabins as "that time would admit, only one copy of the "Scriptures was found, a Protestant Testa-"ment, that belonged to a child in attendance "on a Protestant school; the *persons in the "cabin were afraid to touch it; they handed it "down upon a board*—because they thought it "*an heretical book.*"

That this ignorance is encouraged by the Church of Rome as highly serviceable to its interests, is manifest not merely from the Encyclical Letter of the Pope, to which I have already referred,‡ but also from the conduct of the Priests, as narrated in the evidence before these Commissioners:—"One lad, of nineteen, told me," says Captain Pringle, "if we read that black book, the Priest tells me we shall be

* Captain George Pringle, p. 686.

† P. 716.

‡ See above, p. 68.

visited with thunder and lightning." "The Roman Catholic Clergy," says another witness,* "have denounced the Irish Scriptures from the altar in Kerry and Meath, and have called our New Testament, because it is in some instances bound in black, the *Black Book*, and have produced it as such in its black coat; connecting it with *the powers of darkness*."

So much for the rule of Faith in the Church of Rome, and the ignorance which it has in itself a tendency to produce, and does, in fact, produce in Ireland. A corollary from this principle, is the duty of *implicit faith*: I mean that men should be ready to believe every tenet which the Church holds, whether they understood it or not, nay, whether their reason assents to it or not. "The body of the faithful," says Mr. Gandolphy,† "are essentially disqualified from "judging of points of doctrine,—in quality of

* H. M. Mason, Esq. p. 746.

† Vol. iv. p. 307. I have before said, that at Rome Mr. Gandolphy's volumes are pronounced, *by authority*, to be worthy of being "cased in cedar and gold." I now add, that they were at the same time characterized as a work "truly worthy "of a Catholic Missioner, eminently calculated to confirm Ca- "tholics in their faith, as well as to bring back to the bosom of "our holy Mother, the Church, those who are gone astray."

"sheep, *in their state of dependence,* they are to "be enlightened by the Shepherd of the flock. "*Thus none can ever err.*" "A Catholic finds "not more difficulty in assenting to any truth "the Church proposes to him, as an article of "faith, than he would in admitting *the oral tes-* "*timony of God himself!*"* "If you say, we "know you are of the Mother Church, and "come in a direct line of succession from the "Apostles, yet we cannot consent to receive "your doctrine as the word of God,—I insist, "my brethren, that you are not aware, that, by "this conduct, you transfer to yourselves the "whole of that *responsibility which attaches to* "*your Pastors:* and why *unnecessarily consent to* "*carry a burthen,* which God had exclusively "laid on their shoulders. If you erred before, "*the sin was their's,*—and why make it your "own? *Only called upon to follow,* I (who hears "you hears me, says Jesus Christ,) the justice "of Heaven would not condemn your involun- "tary error of obedience. Whereas, if you "undertake to judge for your pastors, you "obviously resist the messengers of Christ— "and if wrongly,—and God is my witness you "would very wrongly,—what a weight of re-

* Vol. i. p. 197.

"sponsibility would you carry with you to the "judgment-seat of Christ?"* Nor is this limited to points of faith—"The exercise of "*moral virtues*," Mr. Gandolphy tells his people, "must be regulated, as we regulate our faith, "by submission to the approbation of the "Church."†

And here another most important source of power to the Priesthood, is presented to our view. At least once in every year every Roman Catholic must, under the penalty of mortal sin, give an account of his moral conduct, confess all his offences to his spiritual pastor, and await at his lips the sentence of pardon, or the awful declaration that his sins are still retained. I will not dwell on so plain a matter; but will content myself with citing from the Class Book at Maynooth a passage, which will prove, beyond the power of comment to heighten its effect, the hideous excess to which the ministers of that Church in Ireland are *taught* to extend their claims on the awe and reverence of the people. It is an acknowledged principle that "whatever a Priest knows, in the way of "confession, he knows it not as man, but as "acting *the part of Christ himself*." Hence,

* Vol. i. p. 232. Compare this passage cited above, p. 53.

† Vol. ii. 103.

"the following maxim has the unanimous *assent* "*of all divines*. If a priest be questioned by a "magistrate, respecting matters of which he "has had knowledge only from confession, he "*ought* to answer that he knows them not, "nay, even *to swear* that he does not; and, in "doing this he is in no danger of lying. The "reason is, (juxta Estium), because he does not "lie, nor equivocate, who answers according "to the mind of the person who questions "him, and advances nothing but the truth; but "this is the case of the priests under such cir-"cumstances, for he is not questioned by the "judge, as to what he knows by way of con-"fession, *as he bears the part of God*, quatenus "Dei vices agit, but what he knows, as man, "and therefore out of confession]"*

* De Pœn. p. 286. I must here add what follows. "But "if the Judge presses further, and specially asks, whether he "knows this from confession, some say, that the answer of the "Priest, even upon oath, ought still to be the same, that he "knows it not, because the Judge, whether he will or not, "*cannot* ask the Confessor a question, *except as he is man*. "But the more common opinion, and that which should be "observed in practice is, that in such circumstances the Con-"fessor must say, that he cannot give any answer to this ques-"tion. The reason is (a most curious one, not that he will thus avoid perjuring himself, but) "that this answer alone "consults at once for the seal of Confession, and the reverence "of the Sacrament."

Of confession I will say no more. "Of *absolution* I will repeat, that the actual reception of it is deemed absolutely necessary for the salvation of a sinner, unless he have *perfect contrition*, in which case his wish for the sacrament will suffice; but then, as I have already said, no penitent can know of himself, whether his contrition be indeed perfect,—this can be pronounced only by the Priest. As Dr. Baines, in the sermon cited by me before, distinctly says, "The Catholic Church requires that the sinner "confess his guilt to the minister of religion, "in order that the latter may ascertain, whether his penitent *possess the requisite qualifications*." So entirely, therefore, is the everlasting happiness of the people placed at the mercy of the Priests. In connection with the security of the state, it is important to add, that this very Class Book for the instruction of the Irish Priesthood, tells them, that there is nothing in the nature of the sacrament, which prevents the Priest from absolving persons from sins, *in which he himself has been an accomplice*:—that Benedict XIV. did indeed order that in one class of sins, those against the sixth Commandment (our seventh) no Priest should absolve, except in articulo mortis, a person,

with whom he has himself been guilty.* But this very order proves, if proof be necessary, that in all other cases, even *murder, rebellion, and treason,* they retain the power:—a most satisfactory hearing to any Protestant Government, who has reason to suspect the loyalty of its Roman Catholic Clergy.

"Sir, I must not wholly omit to notice the power of excommunication as one of the most efficacious causes and instruments of the tyranny of the Irish Priesthood. Excommunication, I need not say, is a sentence of absolute exclusion from all the rites and sacraments of the Church —and that, in the estimation of every sincere member of the Church of Rome, it is therefore an absolute exclusion from the means of grace, and from the hopes of Heaven.

"This sentence cannot, according to the principles of that Church, be pronounced by any but the Bishop, or delegate of the Bishop. Yet in Ireland the parish Priests are continually in the habit of exercising a power short of formal excommunication, but which has almost equal effect on the terrified minds of the people; and, what is not less worthy of remark, the Bishops are in the habit of contemplating the exercise

* P. 262.

of this power in perfect silence.* It is called "the Priest's curse."

I am not ignorant, that in the examination† of Drs. Murray, Kelly and Doyle, before the Commissioners of Education Enquiry, all those Prelates denied most solemnly, that this phrase was familiar to them. By what process they enabled themselves to give this answer, is more than I can presume to guess. That the practice is common, whatever become of the name, may be elicited from that very examination itself.

* P. 783.

† There is some matter so curious in this examination, that I must extract it:—Dr. Doyle had said "that if any Priest "under his direction had done so, he should reprimand him in "the most severe terms for abusing his office; for our duty is "to bless and not to curse." Presently, he thinks better of this answer, and, for the ease of his conscience, informs his examiners, that a Priest of his had once written to him apprising him of his having prohibited some great scandal under the pain of the curse of God.—*I did not reprehend that Priest,* says Dr. Doyle, *for he appeared to be conscious of having acted with a degree of impropriety,* and I thought *the feeling existing in his mind was a sufficient security* against his doing so again. Did the letter convey to you the impression that the Priest was himself sensible he had erred in what he had done?—He was under the impression, that I might learn it, and would reprimand him probably with severity, &c. as *to whether he thought he was doing wrong, I cannot say.* As far as his flock is con-

Dr. Doyle is asked—Do you not believe it is common in many parts of Ireland, that that does take place from the altars on the part of the Priest, as applied to the people? and he answers thus—*I should fear too often.* But on this subject we have other testimony, and of the most respectable kind, that of Mr. Donelan, the same Roman Catholic gentleman whom I have cited before. "When a person is said to "be cursed from the altar, does it mean an "announcement of the intention of refusing "those rites (absolution, churching women, "sacraments to the dying)?"—"*A curse is* "*something beyond that;* what the poor people

cerned, they are still in ignorance, whether it was with your approbation?—My flock know me too well to suppose I would approve of it. They do not know of the letter he has written to you, showing his feeling on the subject?—They are in ignorance of that, I suppose; but if such a proceeding were repeated, they know that they should meet with redress, on making application to me. How can they know that?—Because they know in many instances, that where they had any reasonable complaint of the conduct of a clergyman, on representing it to me, I have always interfered. But this having occurred, and no complaint having been made by the parishioners to you, how are they aware that you would interfere?—I think *the thing is so wrong in its own nature, that it must strike almost any Christian, that I disapprove of a Priest, appointed to minister between the people and God, converting his ministry into a curse.*

"to conceive of *the curse of the Priest*" (this layman, it seems, is familiar with the phrase, whatever may be the ignorance of the Archbishops, as stated by them *upon oath*) "is, that "*it will bring down the vengeance of Heaven in* "*every respect;* the vulgar expression is, that "they will have neither luck nor grace."* Captain Pringle,† and Mr. Gordon,‡ give instances, which fell within their own knowledge of preternatural effects ascribed to the curse of the Priest.

But if the sworn testimony of Drs. Murray and Kelly could have been sufficient to induce a doubt of the existence of this practice, that doubt has been removed by the history of the last few months. Mr. Maxwell, in his printed address to the Electors of the County of Cavan, thus appeals to the testimony of their own senses—"You beheld the Roman Catholic pas- "tors march into the County Town at the head "of their respective flocks. *You heard them de-* "*nouncing eternal damnation* against every one "who withheld his support from their favourite candidate;" and Lord George Beresford makes this one of the grounds of his protest at the Waterford Election, "that the freedom of

* P. 494. † p. 703. ‡ p. 718.

"election was grossly violated by intimidation "and threats of ecclesiastical censures, and of "excommunication used by the Catholic Clergy "at this election, &c. and *by the actual excom-munication* of several freeholders on account of "voting for him."*

Yet, notwithstanding the notoriety of these and other similar proceedings, we have not heard of a single instance, in which any one of these Clergy was called to account by his ecclesiastical superiors for what Dr. Doyle has designated as "a thing so wrong in its own nature, "that it must strike every Christian," namely, "that a Priest, appointed to minister between "the people and God, should convert his ministry into a curse." And while the bishops have thus looked on in silence, the laity, even in England, have given their sanction to this exercise of spiritual authority in temporal matters, by returning solemn thanks to them for their exemplary zeal and services.

* It is curious, but painful, to remark the uniformity of conduct which, at almost all periods, has been preserved by the Roman Catholic Clergy in Ireland. In the reign of James I., at a time of great excitement, a new parliament was summoned, and Leland tells us, that "the Clergy preached the "cause of religion, and denounced their excommunications on "those, who should presume to vote against the friends of the "Roman Catholic Church."—i. 446.

"But, Sir, the utmost extent of power claimed by them, and reverence addressed to them, does not exceed the fair and reasonable inferences from the principles of their Church. Mr. Gandolphy, in the work for which he has received so flattering testimonies of approbation from Rome, thus speaks of the dignity of his Priesthood. "Fifty thousand Bethsamites were "slain in one day, for failing to show due re- "spect to the Ark; and Oza fell dead before it, "for venturing to touch it with a profane hand. "If such was the awful respect exacted by God "towards what were only the figures of our "institution, mark the high consideration in "which you ought to hold the living Priests of "the eternal God." "Like the virgins men- "tioned in the Apocalypse, they attend him "wherever he goes; they form his royal "court upon earth, and the ministry of his "throne; *they are the chosen guardians of his* "*person*,* possess the deposit of his blood, "and hold the mystic keys of his everlasting "kingdom. The Priest of Jesus Christ walks "among men a miracle of grace—is the rock that "pours forth water to the fainting—the man- "na that yields bread to the hungry—the bush

*Such is the good account to which the doctrine of Transubstantiation is turned.

"that burns without being consumed." (iv. 112.) "My brethren, to the reflecting mind this "ministry must surely present something *di-* "*vinely sacred*, and appears more worthy the "nature of angels than of men. It exalts "them above all for which human life had de- "signed them—makes them the agents of God, "the vicegerents of Jesus Christ, and the *savi-* "*ours of men*. In this point of view, it ranks them "even *above the angelic spirits, and clothes them* "*with the divine character of the Messiah himself.*" "*These distinctions,* however, arising from the "sacerdotal ministry, *exclusively belong to the* "*Priesthood of the Catholic Church.*"—117.

Such, Sir, is the language of a work, pronounced by the highest authorities at Rome to be "truly worthy of a Catholic Missioner"—a work, "which not only merits approbation, but "entitles its author to a return of thanks and "every encouragement to promote his labour "in cultivating the vineyard of the Lord." The feelings of the mass of the Roman Catholics of Ireland seem to be in pretty strict accordance with the lofty pretensions, which this champion of their Church sets forth: and every day brings us some fresh instance of their eagerness to advance the worldly greatness of their spiritual guides.

It is not long ago since a Bill was brought into Parliament, and passed into a law, empowering the Roman Catholic Clergy to use their own rites of burial in the churchyards of the Established Church, on observing the lightest condition that was consistent with the very principles of any establishment. Of this measure, Mr. Plunket, in recommending it to Parliament, declared that "it was a charter of tole-"ration, for which the (Roman) Catholics ought "and would be grateful." What was the consequence? The Bill was no sooner passed, the boon was no sooner conferred, than it was scorned and spurned: it is at this day become a by-word to the demagogues in Dublin, of all orders, lay and episcopal. And this, though the Head of their own Church, the venerated Pius VII. denounced the tolerant principle in Napoleon's Code, "*That all modes of religious worship be free and publicly exercised,*" as contrary to the Canons, to the Councils, and to the Catholic Religion, to the tranquillity of life, and to the happiness of the State.

We have since seen an open attempt, in one of the principal parishes in Dublin, to deprive the Protestant Vicar of what is at once his privilege and his duty, the presidency at the Vestry Meeting, and to give to a Roman Catholic

Priest an equality of right with him. An eagerness in trifles such as this, proves the animus of the parties as strongly as endeavours after greater objects.

That many, indeed, or most of the Roman Catholics of Ireland, do look to the destruction of the Protestant Establishment, and the exaltation of their own Church, as a necessary consequence of the unconditional concessions which they now demand, will hardly be doubted by any who watch their proceedings with the slightest attention. Mr. O'Connell will no longer hear of a provision for the ministers of his Church as part of an amicable adjustment of the claims of the Roman Catholics; but he treats it as a matter of course, that, when the political privileges shall be conceded, an adequate endowment of their Clergy must follow. Several years ago, a highly honourable, and certainly not bigoted, member of that communion, the late Sir John Throckmorton, in his Remarks on the Debate of 1805, made the following frank avowal:—"I shall expect, very "seriously expect, when the subject has been "more matured, to hear that the Irish Bishops "of the Establishment, having since made over "a portion of their revenues, for the decent "maintenance of their Catholic brethren, are

"ready to make further proposals, and to agree "to an *alternate* enjoyment, subject always to "his Majesty's choice, of dignities and emolu- "ments."*

Pius VII., it is well known, treated it as a matter of course, that the Roman Catholic Bishops would sit in Parliament, and made this a reason for granting to government the security of a veto on their appointment. In truth, the principle on which the concessions are now demanded, would carry with it an almost equal claim for the Bishops as for the laity. For if they are indeed Bishops,—Bishops of the sees to which they pretend,—they have, by law a right to seats in Parliament. Those seats (except as they are affected by the Act of Union) are not conferred by statute, but by the common law. No act ever passed to deprive the Roman Catholic Bishops, and to substitute the Protestant; but if the succession has (as they strenuously contend) been preserved in them, and lost in our Church, they are the true and only Bishops of Ireland. Sir, our politicians may find, if they are not cautious in their proceedings, that the well known maxim, only one Bishop in one see, is not a mere theological

* Cited by Lord Stowell (then Sir W. Scott) in his excellent speech, on March 2, 1813.

nicety, but may lead, unless provided for in time, to grave political consequences hereafter. "I think the Church Establishment must fall "sooner or later," says Dr. Doyle, in his recent Letter to Lord Farnham; "the concession of "the Catholic claims," he continues, "would "hasten this *desirable* result, not by any revo- "lutionary movement, but by removing an im- "mense barrier, which the agitation of those "claims now opposes to the progress of reason "and *justice*, and by uniting all classes of Irish- "men in labouring to renovate their country, "and to restore her, divided and almost lifeless "as she is, to a state of *health and vigor*." He adds, "the concession of the rights which are "now withholden, might be the *occasion*, but "not the *cause*, of correcting abuses, of which "every honest man's conscience must disap- "prove:" in other words, putting down the Protestant Establishment. Really, Sir, if after these broad declarations made by the spokes- man of the Roman Catholic Hierarchy, any man still doubts their designs, it is not that they are dissemblers, but that he is blind. It is very true that they have just approached the House of Lords, Dr. Doyle among the rest, before the ink was dry of his Letter to Lord Farnham, with a Petition, in which, after boasting of their

fidelity to the Constitution and obedience to the laws, they take merit to themselves and to their flocks, for having "disclaimed, upon oath, "all intention to subvert the present Church "Establishment for the purpose of substituting "a Catholic Establishment in its stead," and for having sworn "that they will exercise no "privilege to disturb and weaken the Protes- "tant Religion and Protestant Government of "Ireland."

I have thus, Sir, freely remarked on every- thing which bears the semblance of argument, in your last speech on this most important question. I omit your addresses to the pas- sions of your hearers, above all, to their fears. I do so, because, in truth, I cannot suffer my- self to believe, that such a topic would be per- mitted to have the smallest weight in an assem- bly of British gentlemen, if the object at stake be what those who differ from you believe it to be—the maintenance of the civil and religious liberties of the people whom they represent. You yourself, indeed, are pleased to give the best and shortest answer to any argument of this kind, by saying that "you would not sub- "mit to the degradation of yielding to the lan- "guage of menace." Sir, that language has

been used in every insulting form which the most rancorous malice or the wildest presumption could devise! and if concession be made to such sturdy beggars as these,

(Οὕτως ὑβρίζειν τοὺς ὑβριζοντας χρεων,)

it will require greater powers, and more consummate eloquence, even than your's, to satisfy the people, that the dignity of Parliament, and the safety of the State, have not been wantonly and shamefully abandoned.

Sir, it has sometimes passed as a day-dream through my mind, how happy for us it would have been, if you had been reserved to the present hour, free and unshackled, to follow the dictates of your own judgment, in discerning the fittest course to be taken with this question, and to employ the resources of your own genius in recommending that course to others. What your exact plan would be, I do not presume to guess;—perhaps your Bill of 1813, with more or less of modification, if necessary,—but, above all, with some means of continuing the exclusion of those who would not renounce that most mischievous of all their dogmas, that great practical Heresy, which would make our admitting them to legislate for a Protestant Church, to be little less than an act of suicide; —I mean the tenet, "that all men are bound,

"of necessity to salvation, to be subject to the "Pope, and to be members of the Church of "Rome." I will hazard the charge of presumption, by venturing to sketch a Test, founded on this principle, in lieu of the denial of the doctrine of Transubstantiation, &c.

"I, A. B., do declare, in the presence of "Almighty God, that I do not hold, nor believe, "that it is necessary, in order to their eternal "salvation, that his Majesty King George, or "any of his liege people, being Protestants, be, "or shall become, in any way subject to the "Pope, or to any authority of the See of Rome! "and I do declare, that I do not hold, nor be-"lieve, that the Protestant Church of England "and Ireland, as by law established, is in such "wise heretical, that any of the members "thereof are, on that account, excluded from "the promises of the Gospel, or cut off from "Christian salvation: and I do faithfully pro-"mise and swear, that I will not use any power, "right, or privilege, which does, or shall, to "me belong, for the purpose of destroying, or "in any way weakening the Protestant Church, "and the establishment thereof, as it is now by "law maintained: So help me God."

Sir, I bear no man's proxy, and am not sure that such a Test would satisfy any other individual of any party.

That it would not satisfy the Irish leaders, I am well aware, and, in plain truth, I should have no sort of confidence in any that would. That it would be offensive to the Church of Rome, and to all the bigoted members of that Church, I have as little doubt, and for that very reason I should have more reliance on its efficacy. The great desideratum has always been to separate between the bigots and the moderate members of that Church; to bear with as light a hand as possible on the latter, and to control the hostility of the former with the most effectual restraints that the wisdom of the legislature can devise. I should hope, that among the nobles and the educated laity of that communion, both in England and Ireland, many would be found who would spurn the mandates of their Church, if she should refuse to let them give to their Protestant countrymen such a security for the safe and honest exercise of their functions as legislators.

This is not mere idle speculation, nor wholly unsupported by facts. It is gratifying to find, in spite of the violent resolutions which have recently passed in the meetings of the British Roman Catholic Association, that, as the organ of that meeting admits, "there is a "supineness, and even an apparent indifference

" in too many of their body in England." It is still more gratifying to learn, that on one of their most important calls, when " a general " Address from the Catholics of Great Britain" was to be proposed, not more than *six or seven* gentlemen attended.—But an incident of a more marked kind has also occurred.

Not many months ago, at a public dinner in the county of Northumberland, on " The cause " of civil and religious liberty all over the " world," being given as a toast, a Roman Catholic gentleman, Mr. Silvertop, whom I name to honour, addressed the company in the following words:—" One of the scruples stated to " exist in some of the freeholders with regard " to the Catholics, is that they are intolerant, " because they maintain to themselves *exclusive* " *salvation.* With respect to this point, I can- " not avail myself of a better proof than that " which is afforded by my learned friend who " sits near me. My learned friend is descended " from Roman Catholic parents, he was bap- " tized in the Catholic Faith, and educated in " its tenets; but in the sincerity of his heart, " he has abjured that religion, and espoused " the interests of the Reformed Church. But " notwithstanding my learned friend now pro- " fesses a different faith, I do not therefore

"think, he is less likely than myself, to obtain "happiness hereafter; and I should be guilty "of gross blasphemy, if I thought otherwise; "for, of all the gifts which God has given to "man, reason is the most valuable; and if my "learned friend has availed himself of that rea-"son, in coming to a determination to abandon "his former religion, and I, in the exercise of "mine, have adhered to my faith, I hope the "gates of heaven will be equally open to us."

The man, who entertains such sentiments as these, ought not, in my poor judgment, to be deprived of any political privilege, to which his station and his talents might enable him to aspire: much less ought he to be told, that he cannot in accordance with the Creed of Pius IV. be sincere in what he says. The consistency of his creed is his own affair. Let him believe, on the authority of his own Church, in Transubstantiation, in Purgatory, in the efficacy of the Virgin Mary's intercession for him at the Throne of God.—These are points,—however we, as individual Protestants, may condemn them,—with which, in themselves, and except as indications of other tenets, which this gentleman disclaims, the state has nothing whatever to do. To him, therefore, and to all who think like him, I should rejoice to see the temple of

the British Constitution open wide its doors, and receive them to its highest seats. Whether they be many, or few, God only knows; I should hope, that they would be found to be not few.

The gentleman, who had expressed this sentiment of Christian charity, was, on account of it, at a subsequent meeting of the British Roman Catholic Association, openly denounced by an orator from Ireland as "a blasphemer." But here again it is gratifying to know, that a general burst of indignation followed the word. What was the real nature of the feeling which was thus displayed, whether it in any and in what degree proceeded from sympathy in the sentiment itself, or was the mere result of indignation at so gross an outrage, it cannot be easy to ascertain. Be that as it may, and without ascribing much importance to any single incident of this kind, I venture to express my regret, that the experiment has never yet been tried, of changing the test from a speculative to a practical point, and that too one of the highest moment. One great advantage would necessarily follow: there would be no longer occasion left for declamatory harangues on the hardship of punishing men for speculative errors; there would be no more prattle heard

about nice distinctions between transubstantiation and consubstantiation:—and you, Sir, and men like you, would be spared the feeling of self-reproach, which the consciousness of having recourse to such wilful sophistry can hardly fail to inflict. In short, those who would be excluded by such a test, could not be held up as martyrs. It could not be any longer said, that they are stigmatized as idolators,—that they are punished for following the dictates of their conscience. But the real truth would be made manifest, that they are the persecutors in spirit,—that, if there be any stigma, it is stamped by themselves,—that they are kept out of Parliament, because their conscience itself would compel them to abuse the power of legislation into an engine of spiritual tyranny, and of aggression on the conscience of others.

Sir, I will not trespass on your patience further. I have already addressed you at greater length than I intended, at much greater than I wished. To condense or abridge, I have not now time—to correct or to soften, I have not inclination. That I have written with freedom, requires no apology: you would despise me if I had done otherwise. That I have sometimes censured with warmth, will not, I think, be

ascribed to any unseemly presumption. He who feels warmly, must give utterance to his feelings. But enough of this: it matters little, what shall be thought or said of me or of my puny labours.

But it is of great moment that you, Sir, in the high station in which you are placed,—much more in that to which you may soon be called,—should consider well, whether anything has been said even by the humble individual who now addresses you, which ought to bring back to your remembrance pledges given, but not redeemed,—expectations lavishly excited, but utterly and entirely unfulfilled. The more moderate opponents of the Roman Catholic cause long looked to you as one of their best and strongest supports. If you were not wholly with us, yet we thought you separated by an insurmountable barrier from those, to whose wild pretensions we were opposed; and have we indeed erred, in thinking that barrier to be insurmountable, which your own plighted faith had reared? That you are incapable of wilfully betraying any cause, we well know: but inconstancy, if not so base as treachery, is often not less mischievous. And why were you inconstant? We must seek the answer in generous motives, for no others can influence you.

You generously, then, extended your protection to those, whom you thought too harshly and unnecessarily restrained. Once engaged in this course, you pursued it with an honest, but sometimes a mistaken zeal—with zeal, which did not stop to measure every step it had already taken, but pressed onwards with too exclusive singleness of purpose to the goal before you. Though the frenzied violence of those, whom you sought to serve, must sometimes have awakened your prudence; yet the dread of appearing to desert them for the interests of personal ambition, has silenced your scruples, and to this hour has kept you steadfast in their now degraded and degrading cause. Be more just, Sir, to yourself; confide, as you ought, in the integrity of your own virtue, in the dignity of your own character: cast from you these idle apprehensions of the opinions of others—ne te quæsiveris extrà. Or, if false shame is allowed so much weight, is there no regard to the just, though silent, reproaches of those whom you have deserted? Are the pledges you have long ago given to the Religion and Constitution of your country to be for ever abandoned? Is nothing sacred, but an ill-omened, ill-assorted, unintended, unforeseen, casual, alliance with Demagogues and Jesuits?

Sir, those who ask these questions, (and, believe me, their number is not small,) ask them "more in sorrow than in anger." It has lately pleased God to bereave us of our best hope,—of a Prince, who reflected back the image of his Royal Father's firmness in this great cause;—and we are now mourning over the couch of that Statesman, who, beyond all his predecessors, (the dead and the dying it is no flattery to praise,) hallowed the interests of the State, by binding them in one indissoluble knot,—indissoluble, while he bore sway,—with the interests of pure religion. The return of yourself, and of men like you, to the principles which you once professed, and the standard under which you once fought, would almost compensate our loss, though it could not diminish our regret. But on whichever side the day of battle may find you, we are not, we thank God, without combatants, worthy of the high interests confided to their prowess. The eyes of an anxious nation are upon them; the hearts of the British people are with them. With such a cause, such champions, such allies, it were criminal to doubt the issue.

H. P.

February 23, 1827.

BY THE SAME AUTHOR.

LETTERS to CHARLES BUTLER, Esq. on the THEOLOGICAL PARTS of his BOOK OF THE ROMAN CATHOLIC CHURCH; with Remarks on certain Works of Dr. Milner and Mr. Lingard, and on some Parts of the Evidence of Dr. Doyle before the Two Committees of the Houses of Parliament. *Second Edition.* 8vo. 9s. 6d.

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